





Loe Miller  
1980







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# ACTS AND RESOLVES

OF

## MASSACHUSETTS.

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1804-1805.

[PUBLISHED BY THE SECRETARY OF THE COMMONWEALTH, UNDER  
AUTHORITY OF CHAPTER 104, RESOLVES OF 1889.]

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ACTS  
AND  
LAWS  
OF THE  
COMMONWEALTH  
OF  
MASSACHUSETTS.

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BOSTON:

PRINTED BY YOUNG & MINNS,  
PRINTERS TO THE HONORABLE THE GENERAL COURT OF THE COMMONWEALTH.

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Reprinted by WRIGHT & POTTER PRINTING COMPANY, State Printers.  
1898.





# ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF MASSACHUSETTS, AT  
THE SESSION BEGUN AND HELD AT BOSTON, IN THE  
COUNTY OF SUFFOLK, ON WEDNESDAY, THE THIRTIETH  
DAY OF MAY, ANNO DOMINI, 1804.

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## 1804. — Chapter 1.

[May Session, ch. 1.]

AN ACT, IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO  
INCORPORATE HUGH McLELLAN & OTHERS, INTO A COM-  
PANY BY THE NAME OF MAINE FIRE AND MARINE INSUR-  
ANCE COMPANY."

*Be it enacted by the Senate and House of Representa-  
tives, in General Court assembled, and by the authority  
of the same, That the Maine Fire and Marine Insurance  
Company in Portland be, and they are hereby authorized  
to invest Thirty thousand Dollars of their Capital Stock  
in Real Estate, any thing in the Act to which this is an  
addition to the Contrary notwithstanding.*

*Approved June 14, 1804.*

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## 1804. — Chapter 2.

[May Session, ch. 2.]

AN ACT TO CHANGE THE NAME OF THE TOWN OF FALL RIVER  
IN THE COUNTY OF BRISTOL.

*Be it enacted by the Senate and House of Representa-  
tives, in General Court assembled, and by the authority  
of the same, That from and after the passing of this Act,  
the name of the said town of Fall River shall cease, and  
the said Town shall hereafter be called and known by the  
name of Troy — any law to the contrary notwithstand-  
ing: And nothing in this Act contained shall be construed  
to impair any rights of the said corporation; but the in-  
habitants of said town shall have, enjoy, and exercise all  
the powers, privileges and immunities as a corporation  
by the name of Troy —, in as full and ample a manner as  
though the name of the said Town had not been changed.*

*Approved June 18, 1804.*

## 1804. — Chapter 3.

[May Session, ch. 3.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, “AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF MAKING A STREET FROM RAINSFORD’S LANE, IN THE TOWN OF BOSTON, TO THE BRIDGE PROPOSED TO BE BUILT FROM, AT, OR NEAR THE TOWN’S LANDING TO DORCHESTER NECK.”

Preamble.

*Whereas William Brown and others, owners of lands adjacent to a line limited as the western side of the Street proposed by “An Act to incorporate certain persons for the purpose of making a street from Rainsford’s Lane, in the Town of Boston, to the Bridge proposed to be built from, at, or near the Town’s Landing to Dorchester Neck;” have mutually agreed with each other (excepting with General Henry Jackson) and with the Corporation created by said Act, that the space of ten feet on the West-erly Side of said Street, excepting the land of the said Henry Jackson, shall for ever remain unincumbered with any building, under certain exceptions; and whereas by the dissolution of said Corporation, after the completion of said Street, difficulties may arise as to the enforcement of said agreement:*

Selectmen au-  
thorized to  
enforce the  
agreement.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same; That after the dissolution of said Corporation, the Selectmen of the town of Boston, shall have full power and authority to enforce a Compliance with the terms of said Agreement, at all times forever; and if any building shall be erected within ten feet of the Western Side of said Street (excepting on the land belonging to Henry Jackson, Esquire,) unless it be a fence, wall, gate, cellar, way, steps, posts or pillars, not above six feet in height, nor covered, nor roofed other-wise than in the usual manner; or unless it be an open portico or porch whose top or roof shall not be higher than the second story window frames of any house that may be built on said adjacent lands, and which shall not project more than five feet, from such house, — Such building or erection, not within the exceptions aforesaid, shall be considered a nuisance, and shall and may be abated and removed in the same manner as is provided by Law respecting nuisances in Highways.*

*Approved June 18, 1804.*

1804.—Chapter 4.

[May Session, ch. 4.]

AN ACT IN ADDITION TO AN ACT ENTITLED “AN ACT TO REPEAL IN PART AND FOR MAKING FURTHER ADDITIONS TO THE ACT ENTITLED AN ACT TO PREVENT FRAUD AND DECEPTION IN PACKING OF PICKLED FISH, AND TO REGULATE THE SIZE AND QUALITY OF THE CASKS, AND THE EXPORTATION THEREOF FROM THIS COMMONWEALTH, AND TO REPEAL ALL LAWS HERETOFORE MADE FOR THIS PURPOSE.”

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same* that the third and fourth Sections of the Act which passed the ninth of March, one thousand eight hundred and four, which require “that forty pounds of Salt shall be put into each barrell of Fish when packed for Market, and the same proportion for teirces and half Barrels”—and “that none of the Fish called Monheden, shall be hereafter exported from this Commonwealth if salted with their heads on” be and hereby are repealed—and also that so much of the Act to prevent fraud and deception in packing pickled Fish, which passed the twenty third of June one thousand eight hundred and three, as requires that the Fish called Menheden shall be weighed be and hereby is repealed—and in lieu thereof

Parts of former acts repealed.

SECT. 2D. *Be it further enacted*, that all the kinds of Split Fish for Pickling, shall be well struck with Salt or pickel in the first instance, and preserved sweet, free from rust, taint or damage, and be close and well packed in good Casks, of the size and quality required by law, the Casks shall be filled full with the fish and Salt, putting in as much Salt with the Fish as is necessary for the preservation of such Fish—and such as are for Exportation shall be branded by the inspector as the law directs.

Packing, &c. of split fish.

SECT. 3D. *Be it further enacted*, that the barrels, half barrels and Teirces, which hereafter may be used for the packing of Pickled Fish, or Fish dry Salted, may also be made of Chesnut, any thing in the aforesaid laws to the contrary notwithstanding.

Barrels, &c. may be made of chestnut.

*Approved June 20, 1804.*

## 1804. — Chapter 5.

[May Session, ch. 5.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO SECURE TO OWNERS, THEIR PROPERTY, IN LOGS, MASTS, SPARS, AND OTHER TIMBER IN CERTAIN CASES."

Part of previous  
act repealed.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the sixth section of an Act, entitled, "An Act to secure to owners, their property in Logs, Masts, Spars, and other timber in certain cases," passed on the twenty-second day of February, in the year of our Lord seventeen hundred and ninety four, as is contained in a proviso in the same section, and is in these words, "*Provided nevertheless*, that nothing in this act shall be construed to extend to Connecticut River, or the River Merrimack," be, and the same is hereby repealed, and that the provisions of the first, second, third, fourth, and sixth Sections of said Act, be, and they are hereby extended to Connecticut River, and to the River Merrimack.

*Approved June 20, 1804.*

## 1804. — Chapter 6.

[May Session, ch. 6.]

AN ACT DECLARING THE PROPRIETORS OF THE PORTSMOUTH SALT-WORKS A CORPORATION WITHIN THIS COMMONWEALTH.

Proprietors  
constituted a  
body corpo-  
rate in Massa-  
chusetts.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same,* That the body corporate and politic in the State of New Hampshire, known by the name of the Proprietors of the Portsmouth Salt works, be, and the same is hereby constituted a body politic and corporate within this Commonwealth, and by that name may sue and be sued, prosecute and defend, in the same manner as other corporate bodies in this Commonwealth are authorized to do.

Allowed to hold  
real estate.

SECTION 2. *Be it further enacted,* That to enable said Corporation to manufacture Salt on the Kittery Shore, they be, and hereby are authorized and empowered to take and hold in fee simple, or any less estate, any lands or other real property within this Commonwealth, not exceeding the value of fifty thousand dollars, any law to the contrary notwithstanding.

*Approved June 21, 1804.*

1804. — Chapter 7.

[May Session, ch. 7.]

AN ACT TO INCORPORATE THE WESTERLY PARISH IN THE TOWN OF PARTRIDGEFIELD, IN THE COUNTY OF BERKSHIRE, INTO A SEPERATE TOWN BY THE NAME OF HINSDALE.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that the tract of land, as discribed within the following boundaries, with the Inhabitants thereon, be and they are hereby incorporated into a seperate town by the name of Hinsdale, Vizt. Begining at a stake and stones, the North east corner of lot No. seventy five in the North line of Partridgefield, thence southerly on the East line of the last mentioned lot, to the North line of lot No. Sixty two, thence turning Westward on the North line of said lot, to the Northwest corner of the same, thence turning and runing on the west line of said lot No. Sixty two, to the North line of lot No. fifteen, thence west three rods to the North West corner of said lot, thence on the West line of said lot No. fifteen, to the North line of Partridge's grant, so called, or Joshua Jackson's farm thence turning Eastward, on said North line, to the Northeast corner of said Jackson's farm, thence Southerly, on the East line of said farm, to the North line of Lemuel Parson's farm, thence turning on the North line, to the North East corner of said farm, thence Southerly on the East line of said Parsons farm, to the brook or river, thence runing on the said river, to the road leading from the west parish of said town to Middlefield, thence on said road, to the east line of the farm of John Watson, thence on the east line of said Watsons farm, to the South East corner of lot No. one hundred and Eighteen, thence on the East line of lots No. one hundred and nineteen, one hundred & twenty, and one hundred & twenty one, to the south line of the said town of Partridgefield, thence on the said south line to the South West corner of said town, thence Northerly on the West line of said Partridgefield, to the South east corner of Dalton, thence Westerly on the South line of said Dalton, to the South East corner of lot No. Sixty in said Dalton thence Northerly to the Northwest Corner of lot No. thirty two in said Dalton, thence Easterly in the North line of lot No. thirty two & lot No. Nine, to the South east

Hinsdale incor-  
porated.

corner of lot No. Eight, in said Dalton, thence Northerly on the East line of said Dalton to the North-west Corner of lot No. Seventy two, in the North East Corner of Dalton, thence Easterly, in the North line of Partridgefield, to the bounds first mentioned. And the said town of Hinsdale is hereby vested, with all the powers, privileges, rights, and immunities, to which other towns are entitled, and subject to all the duties which are required, of other towns, by the constitution and Laws of this Commonwealth.

Provision for  
debts, taxes,  
and support  
of paupers.

SECTION 2. *And be it further enacted*, that the Inhabitants of the said town of Hinsdale, shall be held to pay all arrears of taxes, which have been assessed upon them, together with their proportion of all debts owed by the said town of Partridgefield, prior to the date of this Act; and the said town of Hinsdale shall receive two fifth parts of the profits, rents or income arising from the Public lots in the town of Partridgefield (now lying in the town of Hinsdale) and shall pay two fifth parts, towards the support of Abigail Thayer, so long as she shall be chargeable to the town of Partridgefield; and all poor Persons who may hereafter become a town charge, shall be supported by the towns of Partridgefield, Hinsdale, or Dalton, in which part soever, such person may have been born, or in any other way gained a legal settlement, in the said towns of Partridgefield or Dalton previous to the division of the said town.

Proportion of  
State taxes.

SECTION 3D. *And be it further enacted*, that all future State Taxes, which may be levied on the said towns of Partridgefield and Hinsdale, previous to a New Valuation, shall be assessed and paid in the proportion of two fifths by the town of Hinsdale, and three fifths by the town of Partridgefield, and that such part of the sum set to the town of Dalton, in the last Valuation, as the said towns of Dalton & Hinsdale shall agree upon, or as the Legislature shall hereafter order, shall be deducted from the Valuation of the town of Dalton, & set to the town of Hinsdale, and the said town of Hinsdale, shall be holden to pay in State taxes accordingly.

Town lines to  
be kept up.

SECTION 4. *And be it further enacted*, that the inhabitants of the said town of Hinsdale, shall at all times hereafter, keep up and maintain, by metts and bounds, the line between the towns of Partridgefield and Dalton, as it existed, before this act was passed.

SECTION 5. *And be it further enacted*, that the Inhabitants of the town of Partridgefield, and those that shall be set off from the same and included in the town of Hinsdale shall at all times hereafter, be entitled to the same privileges, respecting the passing the turnpike gate, which stands within the town of Hinsdale, and that the Inhabitants of that part of the town of Dalton, which is now included in the town of Hinsdale, shall at all times hereafter be liable to the payment of toll at the said turnpike gate, in the same way as if this Act had not been made.

Provision respecting certain turnpike gate.

SECTION 6. *And be it further enacted*, that any Justice of the peace for the County of Berkshire, he and he is hereby authorised, upon application therefor to issue a warrant directed to some suitable inhabitant of the said town of Hinsdale, requiring him to notify and warn the Inhabitants thereof, qualified by law to Vote in town affairs, to assemble at such convenient time and place as shall be expressed in said Warrant, to choose such Officers as towns are by Law required to choose in the months of March or April, annually.

First meeting.

*Approved June 21, 1804.*

## 1804. — Chapter 8.

[May Session, ch. 8.]

AN ACT TO INCORPORATE JOSIAH BARKER, GEORGE MYRICK AND OTHERS, INTO A COMPANY BY THE NAME OF THE NANTUCKET UNION MARINE INSURANCE COMPANY.

SEC. 1. *Be it enacted, by the Senate and House of Representatives, in General Court assembled and by the authority of the same*, That the said Josiah Barker, George Myrick & others, and all such persons as have already, or shall become Stockholders in said Company, being Citizens of the United States, be, and they hereby are incorporated into a Company and body politic, by the name of the Nantucket Union Marine Insurance Company, for and during the term of twenty years after the passing of this Act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute and defend to final Judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal for the use of said Company, subject to the restrictions herein after mentioned.

Persons incorporated.

Corporate name.

Number and  
value of shares.

SEC. 2D. *And be it further enacted*, that a Share in the Capital Stock of said Company shall be one hundred Dollars, and the number of shares shall be one thousand, and if the said number of shares are not already filled, subscriptions shall be kept open, under the inspection of the president and directors of the said Company, until the same shall be filled; and the whole Capital stock, estate or property, which the said Company shall be authorised to hold, shall be One hundred Thousand dollars, exclusive of Premium Notes or profits arising from their business, of which Capital Stock or property not more than ten thousand Dollars shall be invested in real estate.

Number of di-  
rectors, mode  
of election, &c.

SEC. 3D. *And be it further enacted*, That the stock, property, affairs and concerns of the said Company shall be managed & conducted by seven Directors, one of whom shall be the president thereof, who shall hold their Offices for one Year, and until others shall be chosen, & no longer, which Directors shall, at the time of their election, be Stockholders and Citizens of this Commonwealth; and shall be elected on the Second Monday in January, in each and every year, at such time of the day, and at such place in the Town of Nantucket, as a Majority of the Directors for the time being shall appoint; of which election public notice shall be given by advertizing at two of the most public places in the town of Nantucket, for the space of ten days immediately preceeding such election; and such election shall be holden under the inspection of three Stockholders not being directors, to be appointed previous to every election by the directors, and shall be made by ballot, by a Majority of Votes of the Stockholders present, allowing one Vote to each share in the Capital stock: *provided*, no stockholder shall be allowed more than ten Votes; and the Stockholders not present may Vote by Proxy, under such regulations as the Company shall prescribe; and if in case of any unavoidable accident the said Directors shall not be chosen on the second Monday of January as aforesaid, it shall be lawful to choose them on another Day, in manner herein prescribed.

Directors to  
choose a presi-  
dent.

SEC. 4TH. *And be it further enacted*, That the Directors so chosen shall meet as soon as may be after every election and shall choose out of their number one person to be president, who shall preside until his successor shall be chosen; and shall be sworn faithfully to discharge the duties of his Office; and in case of the death, resignation,



or inability to serve, of the president or any director, such vacancies shall be filled for the remainder of the year in which they shall happen by a special election for that purpose, to be held in the same manner as is herein before directed, respecting annual elections for directors and President.

SEC. 5. *And be it further enacted*, That the president and three of the directors, or four of them in his absence, shall be a board competent to the transacting of business; and all questions before them shall be decided by a Majority of Votes; and they shall have power to make and prescribe such bye Laws, rules and regulations, as to them shall appear needful & proper, touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares; and touching the duties and conduct of the several Officers, Clerks & servants employed, and the election of Directors, and all such matters as appertain to the business of Insurance; and shall have power to appoint a Secretary, and so many clerks and Servants for carrying on of said business, and with such Salaries & allowances to them & to the president, as to the said board shall seem meet; *provided*, that such bye Laws, rules and regulations shall not be repugnant to the Constitution and Laws of this Commonwealth.

Board of directors.

SEC. 6TH. *And be it further enacted*, That there shall be stated Meetings of the directors, at least once in every month and as often within each month as the president & board of Directors shall deem proper; & the president & a Committee of three of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; & the said board of directors, and the Committee aforesaid, at & during the pleasure of the board, shall have power and authority on behalf of the Company, to make insurance upon vessels, freights, money, goods & effects, and against the Captivity of Persons, and on the life of any person during his absence by sea, & in Cases of money lent upon bottomry & respondentia, & to fix premiums and terms of payment; and all Policies of insurance by them made, shall be subscribed by the president; and in Case of his death, sickness inability or absence, by any two of the Directors, & Counter-signed by the Secretary, and shall be binding & obligatory upon the said Company, and have the like effect and force

Meetings.

Business defined.

as if made under the seal of said Company ; & the assured may thereupon maintain an action of the case against the said Company ; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the president and board of directors, and the same shall be binding on the Company.

Semi-annual dividends to be made.

SEC. 7. *And be it further enacted*, That it shall be the duty of the directors, on the second Monday of January & June in every year, to make dividends of so much of the Interest arising from their Capital Stock, and the profits of said Company, as to them shall appear advisable, but the monies received & the notes taken for premiums on risks which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company ; and in case of any loss or losses, whereby the Capital Stock of the Company shall be lessened, each proprietor or stockholder's estate shall be held accountable for the deficiency that shall be due on his share or shares at the time of said loss or losses taking place, to be paid unto the said Company by assessments, or such other mode, & at such time or times, as the president & Directors shall order ; and no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the Capital ; & that once in every two years & oftner if required by a majority of the Votes of the stockholders, the directors shall lay before the stockholders, at a legal meeting, an exact & particular statement of the Profits, if any there be, after deducting losses & dividends.

In case of losses affecting capital.

Company not to engage in trade.

SEC. 8. *And be it further enacted*, That the said Company shall not directly nor indirectly, deal or trade in business, buying or selling any goods, wares or Merchandize, or Commodities, whatever ; and the Capital Stock of said Company, after being Collected at each instalment, shall within Six Months, be vested either in the funded debt of the United States or of this Commonwealth or in the Stocks of the United States Bank, or of any incorporated Bank of this Commonwealth, at the discretion of the president & directors of said company, or of other Office[r]s which the Stockholders shall for such purpose appoint.

Payment for stock.

SEC. 9. *And be it further enacted*, That Fifty dollars on each share in said Company shall be paid within Ninety days after the first meeting of said Company, and

the remaining sum due on each share within one year after said first meeting, by such equal instalments, and under such penalties as the said Company shall direct; and no transfer of any share in said Company shall be permitted, or be valid, until all the instalments on such shares shall have been paid.

SEC. 10TH. *And be it further enacted*, That no person being a director of any other Company carrying on the business of Marine Insurance, shall be eligible as a director of the Company by this act established.

Eligibility of directors.

SEC. 11. *And be it further enacted*, That the property of any member of said Company, vested in the Stock of said Company with the dividend or dividends due thereon, shall be liable to attachment and execution, in favor of any *bona fide* Creditor, in manner following, Vizt. whenever a proper officer, having a writ of attachment or execution against any such member, shall apply with such writ or execution to the Secretary of said Company, it shall be the duty of said Secretary to expose the books of the Corporation to such officer, and furnish him with a Certificate, under his hand, in his Official Capacity, ascertaining the number of shares the said member holds, in said Company, and the amount of the dividend or dividends due thereon; and when any such share or shares shall be attached on Mesne process, or taken in execution, an attested Copy of such writ of attachment or execution shall be left with the said Secretary; and such share or shares may be sold on execution, after the same notification of the time & place of sale, and in the same mode of sale as other personal property; and it shall be the duty of the officer making such sale, within ten days thereafter to leave an attested Copy of the execution, with his return thereon, with the Secretary of the Company, and the vendee shall thereby become the proprietor of such share or shares, & entitled to the same, and to all the dividends which shall have accrued thereon, after the taking in execution as aforesaid, or when there shall have been a previous attachment, after such attachment, notwithstanding any intervening transfer.

Shares liable to attachment and execution.

SEC. 12. *And be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the Capital stock of said company, and the president & directors, after knowing of such loss or losses taking place, shall subscribe to any policy of Insurance,

In case of losses equal to the capital.

their estates, jointly & severally, shall be accountable for the amount of any and every loss which shall take place under policies thus subscribed.

Amount of stock, &c. to be published annually.

SEC. 13. *And be it further enacted*, That the president & directors of said Company, shall, previous to their subscribing to any policy, & once in every year after, publish in two of the most public places in the Town of Nantucket, the amounts of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk.

Statement to be laid before legislature when required.

SEC. 14. *And be it further enacted*, That the president & directors of said Company shall, when, and as often as required by the legislature of this Commonwealth, lay before them a statement of the affairs of said Company, & submit to an examination, under Oath, concerning the same.

First meeting.

SEC. 15. *And be it further enacted*, That Josiah Barker, & George Myrick or either of them, be, and is hereby authorised to call a meeting of the members of said Company, by advertising the same in two of the most public places, in the town of Nantucket, for ten days successively, for the purpose of electing their first board of Directors, who shall continue in office until the second Monday in January, one thousand eight hundred and five, & until others are chosen in their stead.

Insurance limited.

SEC. 16. *And be it further enacted*, That the said president and directors shall not be allowed to insure on any one risk, a larger sum than Ten p Centum of the amount of the Capital stock of said Corporation, actually paid in.

*Approved June 21, 1804.*

## 1804. — Chapter 9.

[May Session, ch. 9.]

AN ACT TO ANNEX A CERTAIN GORE OF LAND IN THE COUNTY OF KENEBECK, TO THE TOWN OF WAYNE IN SAID COUNTY.

Boundaries.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, that the unincorporated Gore of Land in the County of Kennebec, described within the following boundaries, Vizt. begining at the Southeast Corner of the town of Fayette, on the Easterly side of Lain's Pond so called, thence runing East to the West-erly line of Reedfield, thence Southerly on the West line

of said Reedfield until it strikes the line of Wayne—thence North twenty two and an half degrees, West, to the first-mentioned bounds, with the Inhabitants thereon be and they are hereby Annexed to the town of Wayne within said County of Kennebec, and shall hereafter be considered as part of the same. *Approved June 21, 1804.*

## 1804. — Chapter 10.

[May Session, ch. 10.]

AN ACT TO ESTABLISH AN ACADEMY IN THE TOWN OF MONSON, BY THE NAME OF THE MONSON ACADEMY, AND TO CREATE A CORPORATION OF TRUSTEES FOR THE SAME.

*Whereas the encouragement of Literature in the rising generation, has ever been considered by the wise and good as the basis upon which the safety and happiness of a free people ultimately depends; And Whereas Abel Goodell, Esqr. and others have petitioned this Court for the establishment of an Academy in Monson, in the County of Hampshire, for that purpose:*

Preamble.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an Academy for the instruction of Youth in Learning, Virtue and Religion, be, and hereby is established at Monson, in the County of Hampshire, by the name of The Monson Academy.

Academy established.

SEC. 2. *And be it further enacted,* That Abel Goodell, Esqr., the Revd. Samuel Willard, Revd. Jesse Ives, Revd. Ephraim Ward, Revd. Moses Baldwin, Revd. Moses Warren, Revd. Ezra Witter, Revd. Richard S. Storrs, Aaron Merrick, Darius Munger, Gad Cotton, Rufus Flynt, Azel Utley, Joel Norcross and Ede Whitaker, be, and they hereby are, established a body Corporate, by the name of, The Trustees of Monson Academy, and they, and their successors, shall continue a corporation by that name forever, with power to have a Common Seal, to contract, to sue or be sued, and prosecute or defend suits by their Agent or Agents appointed for that purpose; to take, hold and improve any estate, real or personal, and the same to lease, exchange or sell and convey for the benefit of the said Academy, by deed or deeds duly executed by their Treasurer or other Officer or Agent, being thereunto authorised by the said Corporation; *Provided,* that the Annual income of the whole estate of the said Corporation shall not exceed five thousand dollars.

Trustees incorporated.

Corporate name.

Clerk, treasurer, instructors, &c. to be appointed.

SEC. 3. *And be it further enacted*, That the said Trustees shall have power, from time to time to appoint a clerk, who shall be under Oath, and a Treasurer, who shall give bond for the faithful discharge of his Trust, & such other officers and instructors of the said Academy, as the said Trustees may judge needful and proper, and also to determine the time and place of their Meetings, the mode of warning the same, of electing officers and trustees, and of transacting all other business, and to ordain necessary and reasonable orders, regulations and by-laws for the instruction and government of the said Academy, not repugnant to the constitution and Laws of this Commonwealth.

Trustees may be elected.

SEC. 4. *And be it further enacted*, That when any of the said Trustees, shall die, or resign, or by age, infirmity, or otherwise, become incapable of discharging his said trust, in the judgment of the major part of the said Trustees, the survivors may fill such vacancy by electing a successor.

Number of trustees.

SEC. 5. *And be it further enacted*, That the number of the said Trustees, shall not, at any time, be more than fifteen, nor less than nine, five of whom shall constitute a quorum for the transaction of business, and all questions shall be decided by the Votes of the major part of the Trustees present, and in case of an equal division, by the casting vote of the presiding Trustee.

First meeting.

SEC. 6. *And be it further enacted*, That Abel Goodell, Esqr., be, and he hereby is authorised to appoint the time and place of the first meeting of the said Trustees, and give them notice thereof. *Approved June 21, 1804.*

## 1804. — Chapter 11.

[May Session, ch. 11.]

AN ACT TO AUTHORISE THE TOWN OF DUXBURY IN THE COUNTY OF PLYMOUTH TO KEEP UP AND MAINTAIN A BRIDGE AND MILL-DAM ON AND OVER BLUE-FISH RIVER, SO CALLED, IN SAID TOWN.

Preamble.

*Whereas the town of Duxbury in the County of Plymouth has erected a Bridge over Blue Fish River, so called, in said Town, which bridge is of great Public utility: And whereas said Town have petitioned this Court for leave to use the same bridge as a Mill-dam, for the purpose of raising a pond to work Mills.*

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Town of Duxbury in the County of Plymouth be, and is hereby authorised & empowered to keep up and maintain the bridge and dam now erected on and over said River, and to erect and maintain gates therein, for the purpose of stopping the water to work Mills.

Town authorized to maintain a bridge & dam.

SEC. 2. *And be it further enacted by the authority aforesaid,* That the said town of Duxbury shall forever keep and maintain a passage way through said bridge and dam, at least twenty six feet wide, and in the deepest water, with a good and convenient draw over the same, to be opened and shut, at the expence of said Duxbury, for all vessels to pass and repass.

Passage-way to be kept open.

SEC. 3. *And be it further enacted by the authority aforesaid,* That the flood gates which may be used for the purpose of stopping the Water, shall be so constructed that they will not fail to be opened by the flood tides. And said Town shall constantly keep one suitable person at or near said bridge, whose duty it shall be to open said draw and gates when requested so to do by any person wanting to pass through the same with any ship or vessel. *Provided,* the opening of said gates be practicable at the time the request shall be made as aforesaid, and in case any person shall desire to pass through said bridge or dam, on the ebb tide, with any ship or vessel, and shall, at any time before the tide shall have risen within one foot of the top of said gates, signify such his desire to the person who shall be appointed to open said draw & gates, said draw shall be opened, and said gates shall be fastened open, and so kept, until the water in the passage way shall not exceed in height six feet. And in case said draw shall not be opened, and said gates fastened opened as aforesaid, after notice as aforesaid, then in every such case the said Town of Duxbury shall forfeit and pay to the person so having signified his desire as aforesaid, a sum not exceeding one hundred dollars, nor less than five dollars to be recovered in an Action of the case before any Court having competent jurisdiction to try the same.

Draw and gates to be opened as occasion may require.

Penalty.

SEC. 4. *And be it further enacted by the authority aforesaid,* That the said town of Duxbury be, and hereby is empowered and obliged to dig and remove from above and below the passage way in said dam so much of the

Owners of salt marsh to be indemnified for any removed.

Salt marsh as now does, or hereafter may, impede or obstruct said passage. And in case the said town of Duxbury cannot agree with the owner or owners of said Salt Marsh, as to the price of such part of said Marsh as may be taken and used by said town for the purpose aforesaid, either party shall have a right to have the damages determined by a Jury, at the Court of Sessions, as is provided in case of highways. *Provided always* that nothing in this Act shall be construed to prevent any owner of lands which may be flowed in consequence of said dam from recovering the damage sustained thereby.

*Approved June 21, 1804.*

## 1804. — Chapter 12.

[May Session, ch. 12.]

AN ACT TO ALTER THE TIMES FOR HOLDING THE COURTS OF GENERAL SESSIONS OF THE PEACE WITHIN THE COUNTY OF YORK, AND FOR REPEALING PART OF AN ACT HERETOFORE MADE FOR THAT PURPOSE.

Time of holding courts altered.

SEC. 1. *Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of July next, the time for holding the Court of General Sessions of the Peace within and for the County of York, shall be at Waterborough, on Wednesday next preceeding the fourth Tuesday of August; and at York, on Wednesday next preceeding the third Tuesday of April, annually, any law to the Contrary notwithstanding.

Parts of former acts repealed.

SEC. 2. *And be it further enacted by the authority aforesaid,* That, that part of the Act, entitled, “An Act to alter the time of holding one of the Courts of General Sessions of the peace & Courts of Common pleas in the County of York,” which provides for holding a Court of General Sessions of the Peace at Biddeford, in the County of York, on the last Tuesday of October, annually, and all laws regulating the holding the Court of the General Sessions of the Peace at Waterborough, on the fourth Tuesday of August, and on the third Tuesday of April, annually, be, and the same are hereby repealed.

*Approved June 21, 1804.*



### 1804.—Chapter 13.

[May Session, ch. 13.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, “AN ACT TO INCORPORATE, SUNDRY PERSONS, BY THE NAME OF THE PRESIDENT & DIRECTORS OF THE UNION BANK.”

*Whereas the appointment of the Treasurer for the time being, to be, ex officio, a Director of the Union Bank, and Boston Bank, at the same time, is found to be too burthensome to that Officer, and repugnant to the general regulations of both said Banks: therefore—* Preamble.

SECTION 1. *Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the Treasurer for the time being shall cease to be a Director of the Union Bank, by virtue of his Office aforesaid.* Treasurer of Commonwealth ceases to be a director.

SECTION 2. *Be it further enacted, That from and after the passing of this Act the Secretary of this Commonwealth, for the time being, shall, ex officio, be a Director of the Union Bank, until the further Order of the Legislature.* Secretary of Commonwealth to be a director ex officio.

*Approved June 21, 1804.*

### 1804.—Chapter 14.

[May Session, ch. 14.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, “AN ACT TO INCORPORATE THE PLANTATION CALLED SHEPARDSFIELD IN THE COUNTY OF CUMBERLAND INTO A TOWN BY THE NAME OF HEBRON.”

*Whereas by an Act passed the sixth day of March in the year of Our Lord One thousand seven hundred and ninety two, entitled, “An Act to incorporate the plantation called Shepardsfield, in the County of Cumberland, into a town by the name of Hebron” the bounds therein mentioned are vague and uncertain;—for remedy whereof,* Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That so much of the Act passed the sixth day of March One thousand seven hundred and Ninety two, entitled, “An Act to incorporate the plantation called Shepardsfield in the County of Cumberland, into a town by the name of Hebron”, as relates to the boundary lines thereof, be and the same hereby is repealed; and that* Boundaries.

the bounds of said Town of Hebron, shall from and after the passing of this Act, be as follows vizt. Beginning at the most southwesterly corner of the town of Turner, from thence north twenty six degrees east on the westerly line of said Turner to the corner between the town's of Hebron and Buckfield, which was made by John Jordan in the year One thousand seven hundred and eighty five, from thence north seventy degrees west on the line run by said Jordan for the southerly line of Buckfield, about five Miles and one half to the easterly side line of the town of Paris, from thence south fourteen degrees east in said side line to the south-east corner of Paris, thence south sixty eight degrees west, in the southerly end line of said Town to the south west corner thereof, thence north fourteen degrees west on the Westerly side line of said town, two miles to a stake, thence south fifty four degrees west on the foot line of Norway to the easterly line of the town of Otisfield (commonly called the Parker line,) thence south twenty five degrees east in said Parker line about seven miles and one half to the northerly side line of the town of Poland, thence north-east on the head lines of Poland and Minot which was run by Amos Davis, to the Northeast corner of said Minot, thence southeasterly about One hundred and fifty rods to the first bounds.

*Approved June 21, 1804.*

## 1804. — Chapter 15.

[May Session, ch. 15.]

AN ACT TO INCORPORATE THE PLANTATION OF INDUSTRY IN THE COUNTY OF KENNEBECK INTO A TOWN BY THE NAME OF MERCER.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General court assembled and by the authority of the same,* That the plantation heretofore called Industry in the county of Kennebeck, contained within the following boundaries, together with the Inhabitants thereon, be, and they are hereby incorporated into a town by the name of Mercer, beginning at the southwest corner of Starks, thence runing easterly to the southerly line of Starks aforesaid, to the westerly line of Norridgewock, thence southerly on the westerly line of said Norridgewock to the southwest corner thereof, thence East One mile and a half, thence south so far as to

Mercer incor-  
porated.

intersect a line to be run East from the northeast corner of Rome, thence west by the line of said Rome to the easterly line of New Sharon, thence northerly by the easterly line of said New Sharon to the Southeast corner of the plantation aforesaid, thence north to the first mentioned bounds. — And the said Town is hereby vested with all the powers, privileges, and immunities, which other Towns in this Commonwealth do or may enjoy, consistent with the Constitution of said Commonwealth.

SEC. 2. *And be it further enacted*, That Samuel Prescott Esquire, or any other Justice of the Peace in said County is hereby authorised to issue his warrant, directed to some suitable Inhabitant of said town of Mercer, requiring him to notify and warn the Inhabitants thereof, qualified to vote in Town Affairs, to meet at such convenient time and place as shall be expressed in his said warrant, to choose all such Officers, as Towns are by law, authorised to choose in the months of March or April annually.

First meeting.

*Approved June 22, 1804.*

## 1804. — Chapter 16.

[May Session, ch. 16.]

AN ACT TO AUTHORIZE SAMUEL BORDEN TO BUILD A BRIDGE FROM THE EASTERLY SIDE OF CROW ISLAND, LYING IN ACQUSHNET RIVER, TO THE MAIN LAND, IN THE VILLAGE OF FAIRHAVEN, IN THE TOWN OF NEW BEDFORD, IN THE COUNTY OF BRISTOL.

*Whereas application hath been made to this Court, for leave to erect a bridge across from the Easterly side of Crow Island in Acqushnet River, to the village of Fairhaven, in the town of New Bedford, in the County of Bristol, & it appearing, that a Bridge in the said place, will be a great accommodation, to the said Borden, and of general utility to the Neighbourhood.*

Preamble.

SEC. 1. *Be it enacted by the Senate, and House of Representatives in General Court assembled, and by the authority of the same*, that Samuel Borden, and such persons as may hereafter associate with him, their heirs and assigns, be, and hereby are empowered to erect a bridge, from the Easterly side of Crow Island, in Acqushnet river aforesaid, to Fairhaven village, in the town of New Bedford aforesaid, a few feet south of the dwelling of the widow Elizabeth Adams to the land of the said

The building of a bridge authorized.

Samuel Borden, and for that purpose they are hereby made and constituted a Corporation, and Body Politic, for the purpose aforesaid, by the Name of the Proprietors of Crow Island Bridge, and by that Name may sue and be sued to final Judgment and execution, and do, and suffer all matters, Acts, and things, which bodies politic, may, or ought to do and suffer: — And the said Corporation may have a common Seal, and the same may break, or alter at pleasure.

Materials, &c.

SEC. 2D. *And be it further enacted*, that said Bridge shall be made with good and durable materials, and be so constructed, as to have a draw of, at least, twenty eight feet in width, which draw shall be raised up, for all vessels, without toll, or pay, during day light, in each day: — *Provided*, that said Bridge shall be built within the term of two Years, from the passing of this act, otherwise the same Act shall be void and of no effect.

*Approved June 22, 1804.*

## 1804. — Chapter 17.

[May Session, ch. 17.]

AN ACT TO INCORPORATE THE PLANTATION CALLED TWENTY FIVE MILE POND IN THE COUNTY OF KENNEBECK INTO A TOWN BY THE NAME OF UNITY.

Unity incorporated.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That the plantation heretofore called twenty five mile pond, in the County of Kennebeck, contained within the following boundaries, together with the Inhabitants thereon, be incorporated into a Town by the name of Unity, Beginning at the northerly corner of the Waldo Patent, thence running westerly on the southerly line of Township number four One hundred and Sixty rods; thence west north west five miles, thence south southwest six miles, thence east south East to the Waldo Patent line, thence on said line to the first mentioned bounds; And the said Town is hereby vested with all the powers privileges, and immunities which other Towns do or may enjoy by the Constitution and Laws of this Commonwealth.

First meeting.

SEC. 2. *And be it further enacted*, That any Justice of the Peace within the County of Kennebeck, may, and he is hereby empowered to issue his warrant directed to

some suitable Inhabitant of the said town of Unity requiring him to notify and warn the Inhabitants thereof, qualified to vote in Town affairs, to meet at such time and place, as shall be expressed in said warrant, to choose all such Officers as Towns are, by law, required to choose in the Months of March or April annually.

*Approved June 22, 1804.*

## 1804. — Chapter 18.

[May Session, ch. 18.]

AN ACT TO ALTER ONE OF THE TERMS OF THE COURT OF COMMON PLEAS, AND COURT OF GENERAL SESSIONS OF THE PEACE, FOR THE COUNTY OF BARNSTABLE.

SEC. 1ST. *Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same,* that the Court of Common Pleas, and Court of General sessions of the Peace, now by Law appointed, to be holden, annually, at Barnstable, within and for the County of Barnstable, on the first Tuesday of November, shall, in future, be annually holden at the same place on the third tuesday in September, any law to the contrary notwithstanding.

Time of holding court altered.

SEC. 2D. *And be it further enacted,* that all actions, suits, writs, processes, precepts, appeals, recognizances, and all matters whatsoever, already commenced, sued out, or pending in said Courts, or that hereafter may be commenced, sued out, or returnable to either of the Courts aforesaid, on the first tuesday of November; and all actions, suits, processes, recognizances and prosecutions of every kind, now pending, or that may be pending, before either of the Courts aforesaid, which, before the passing of this Act, were to have been holden, on the said first tuesday of November, shall be returnable to, entered, made, proceeded upon, prosecuted, and determined, agreeably to the true intent of such actions, writs, suits, processes, appeals, recognizances, and prosecutions before the said Court, to be holden by virtue of this act, at said Barnstable, on the said third tuesday of September.

Business made returnable at new term.

*Approved June 22, 1804.*

## 1804. — Chapter 19.

[May Session, ch. 19.]

AN ACT TO INCORPORATE TOWNSHIP NUMBER ONE, IN THE SECOND RANGE OF TOWNSHIPS ON THE WEST SIDE OF KENNEBECK RIVER, IN THE COUNTY OF KENNEBECK, INTO A TOWN BY THE NAME OF EMDEN.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Township Number One, on the west side of Kennebeck River, in the Second range, north of the Plymouth Claim, in the County of Kennebeck, contained within the following boundaries, together with the inhabitants thereon, be, and are hereby incorporated into a Town by the name of Emden, beginning at a marked tree, on the bank of Kennebeck River, at the north east corner of the Plymouth claim, thence runing west on the line of Anson, six miles, to a marked tree, thence north six miles to the south line of the Million Acres, so called, located on the Kennebeck River, thence East on the line of the Million Acres aforesaid, about six Miles to the middle of the Channel of said Kennebeck River, thence following the middle of the Main Channel of Kennebeck River down said river until it intersects a line runing East from the first mentioned bounds, thence west on said line to the bounds first mentioned — And the said Town is hereby vested with all the powers, privileges, and immunities, which other Towns do or may enjoy, by the Constitution and Laws of this Commonwealth.

Emden incor-  
porated.

First meeting.

SEC. 2. *And be it further enacted,* That any Justice of the peace within the County of Kennebeck may, and he is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said Town of Emden, requiring him to notify and warn the Inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such Officers as Towns are, by law, required to choose in the months of March or April annually.

*Approved June 22, 1804.*

### 1804. — Chapter 20.

[May Session, ch. 20.]

AN ACT TO CONTINUE IN FORCE AN ACT PASSED IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND NINETY SIX, ENTITLED “AN ACT ESTABLISHING AND REGULATING THE FEES OF THE SEVERAL OFFICERS, & OTHER PERSONS HEREAFTER MENTIONED, AND FOR REPEALING THE LAWS HERETOPORE MADE FOR THAT PURPOSE.”

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Act, entitled “An Act establishing and regulating the fees of the several Officers, and other persons hereafter mentioned, and for repealing the laws heretofore made for that purpose,” be and hereby is continued in force.*

*Approved June 22, 1804.*

### 1804. — Chapter 21.

[May Session, ch. 21.]

AN ACT TO SET OFF DAVID BARNARD, FROM THE NORTH PARISH IN THE TOWN OF ANDOVER, AND ANNEX HIM & HIS ESTATE TO THE SOUTH PARISH IN THE SAID TOWN.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That David Barnard, of Andover in the County of Essex, with his Polls and Estate, be, and hereby is set off from the North, and annexed to the South Parish in said Andover: Provided that the said David Barnard, shall previously pay his proportion of all parish charges assessed upon him and due to the said North Parish, prior to the date of this Act.*

*Approved June 23, 1804.*

### 1804. — Chapter 22.

[May Session, ch. 22.]

AN ACT TO SET OFF JOHN WHITING, MOSES CRAIGE, JESSE DAY, ELIJAH CRAIG, BENJAMIN WARE JUNR., JEREMIAH COBB, AMHERST MANN AND ALFRED BACON, FROM THE NORTH PARISH IN WRENTHAM IN THE COUNTY OF NORFOLK, AND TO ANNEX THEM AND THEIR ESTATES, TO THE FIRST PARISH IN SAID TOWN.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of*

*the same*, That John Whiting, Moses Craige, Jesse Day, Elijah Craig Benjamin Ware Junr., Jeremiah Cobb, Amherst Mann, and Alfred Bacon, with their polls and estates lying in the first parish in Wrentham in the County of Norfolk, but incorporated with the north parish in the same town, be, and hereby are set off from the north parish, and annexed to the first parish in Wrentham, together with the whole of the estate of Jeremiah Cobb late of said Wrentham yeoman deceased : *Provided nevertheless*, That the said John Whiting, Moses Craige, Jesse Day, Elijah Craig, Benjamin Ware Junr., Jeremiah Cobb, Amherst Mann, and Alfred Bacon, be held to pay all taxes already legally assessed on them by said north parish in Wrentham.

*Approved June 23, 1804.*

### 1804. — Chapter 23.

[May Session, ch. 23.]

AN ACT TO INCORPORATE LUCRETIA OSGOOD AND OTHERS INTO A SOCIETY BY THE NAME OF THE SALEM FEMALE CHARITABLE SOCIETY.

Preamble.

*Whereas a number of Ladies of the Town of Salem have associated for the Charitable purpose of relieving, instructing and educating, in a manner suitable to their condition and situation in life, poor and destitute female Children; and of assisting aged and infirm widows who through misfortunes have fallen into poverty and distress; and to carry their association into effect have petitioned to be incorporated.*

Persons incorporated.

Corporate name.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that the said Lucretia Osgood, and her associates, together with such others as may become subscribers to the same institution, in the manner herein after provided, be and they hereby are incorporated into a Society by the name of the “Salem Female Charitable Society,” and by that name shall be a Corporation forever; with power to have a Common Seal; to make Contracts, relative to the objects of their institution; to sue and be sued; to establish bye Laws and orders for the regulation of the said Society, and the preservation and application of the funds thereof, provided the same be not repugnant to the Constitution or Laws of this Commonwealth; to take hold and possess any estate, real or per-



sonal, by subscriptions, gift, grant, purchase, devise or otherwise, free from taxes, and the same to improve, lease, exchange or sell and convey, for the sole benefit of said insti[tu]tion: *Provided*, the Value of the real estate of said Society shall never exceed Forty thousand Dollars, and the annual income of the whole estate of said Society shall not exceed Twenty thousand Dollars.

SECT. 2D. *Be it further enacted*, that every married Woman belonging to said Society, who shall, with the consent of her husband, receive any of the money or other property of said Society, shall thereby render her said husband accountable therefor to said Society; and every woman, whether sole or married, who shall subscribe and pay to the funds of said Society the sum of three dollars annually, shall by such subscription and payment, become a member of said Society, liable, however, to be removed whenever she shall refuse or neglect to pay her said annual subscription.

Husbands to be accountable for money paid their wives, &c.

SECT. 3D. *Be it further enacted*, that the said Society shall meet in Salem, on the first Wednesday of may, annually for the purpose of electing by ballot, from their members, a first and second directress, a Treasurer, a Secretary and a board of not less than Six nor more than twelve managers, all which Officers shall hold their said Offices for one year, and until others shall be elected to succeed them. And the managers, for the time being, shall publish a notification of the time & place of each annual meeting, in one or more of the newspapers printed in Salem, at least seven days, before the time of holding the same. Upon any urgent Occasion, the first or second Directress, or in their absence the Secretary, or, whenever requested in writing by fifty of the members of said Society, any five of the Managers, may appoint a special meeting of said Society to be notified in the same manner as annual meetings. And at any regular meeting the society may remove any manager from Office, and by ballot fill any vacancy in the board of managers or any other Corporate Office; *provided*, that in Case of removal, two thirds of the members present being a majority of the whole Corporation, shall concur.

Annual meeting for choice of officers, &c.

Special meetings.

SECT. 4. *Be it further enacted*, that the Treasurer of said society shall always after the first Wednesday of May next be a single woman of the age of twenty one years or upwards, and shall give bond, with sufficient surety or

Treasurer to be a single woman and to give bonds.

sureties, to account annually, or oftner if required by said society or the board of Managers, for all money and other property of said Society coming to her hands, and in general to discharge the duties of her said Office with fidelity.

Board of managers to have direction of funds; to receive children, &c.

SECT. 5. *Be it further enacted*, that the board of managers for the time being, including the first and second Directress, shall have the management and application of the Subscriptions, funds & estate of the Society, solely for the purpose of this institution; and no sale or transfer of any real or personal estate of said society, shall be valid unless approved by them; and no money shall be paid out of the treasury of said society, except by their order, they shall likewise have authority, at their discretion, to take under the care and direction of their Society, such poor and destitute Children, as they may judge suitable objects of Charity, to enjoy the benefits of the institution; and also to accept a surrender in writing, by the father, or where there is no father, by the mother of any female child or children, and to bind out in virtuous families until the age of eighteen years, or marriage within that Age, any such Children thus surrendered, or any female child or children, who, being destitute of parents within this Commonwealth, shall have been relieved and supported by said Society: *provided*, that any parent, whose Child or Children, during the absence of their said Parent out of this Commonwealth, shall have received releif & support, or been bound out as aforesaid, shall have liberty, on his or her return, to receive such Child or Children, upon paying to the Treasurer of said Society the expence incurred in her or their releif & support as aforesaid; and the managers shall have authority to establish any rules and bye-laws for the regulation of the proceedings of said board, & the concerns of said Society, not repugnant to the laws of the Commonwealth, or the bye-laws and orders of said Society. Not less than three managers shall constitute a quorum for transacting business, and all questions shall be decided by the Votes of a Majority of the managers present including the first & second Directress.

Parents may recover their children upon payment of expenses incurred.

Service of writs, &c.

SECT. 6. *Be it further enacted*, that any writ or process against said Corporation may be served by the Officers leaving an attested Copy thereof, with the Treasurer of said Society, or at her usual place of residence, thirty

days before the return day thereof; and the said Treasurer, or any agent appointed for that purpose by the Society or by the managers, may appear by Attorney, & defend or prosecute any suit in behalf of said Society.

SECT. 7. *Be it further enacted*, That all instruments of conveyance or contract, which may lawfully be made by said society, if approved by the board of managers, shall be signed by the first or second directress, and countersigned by the Secretary, and, if necessary, sealed with the Common Seal of said Society; and, when so executed, shall bind the said Society and be valid in Law.

Contracts, &c.

SECT. 8. *And be it further enacted*, That Lucretia Osgood shall continue first directress, Elizabeth White second directress, Abigail Mason Dabney, Treasurer, Elizabeth Gardner Secretary, Lydia Nichols, Eunice Richardson, Abigail Lawrence, Catherine G. Prescott, Margaret Murphy, Lucia Gardner, Lois Pulling, & Sarah Dunlap, Managers until the first Wednesday of May next, and until a new election shall be made as aforesaid; and shall be and they hereby are invested, during said time, with all the powers herein given to said Officers respectively who shall be elected pursuant to this Act.

Present officers to hold over till new election.

*Approved June 23, 1804.*

## 1804. — Chapter 24.

[May Session, ch. 24.]

AN ACT TO LIMIT AND ESTABLISH THE CAPITAL STOCK OF THE SUFFOLK INSURANCE COMPANY.

SEC. 1ST. *Be it enacted by the Senate, and House of Representatives in General Court assembled and by the authority of the same*, that the Capital Stock of the said Suffolk Insurance Company shall be divided into shares of seventy five dollars each; and the whole number of shares shall be three thousand; and the whole Capital Stock, Estate, and property, which the said Company shall be authorized to hold, shall never exceed the sum of two hundred and twenty five thousand dollars, exclusive of premium Notes, and Profits arising from their business: And the President and Directors of the said Company shall not from and after the passing of this Act be allowed to insure any sum, by which they shall hazard on any one risk, more than ten per Centum of the amount of their

Value of shares and amount of capital.

Capital Stock: Any thing in the Act for incorporating said Company to the contrary notwithstanding.

Policies already  
subscribed, not  
to be affected.

SEC. 2D. *And be it further enacted*, that nothing in this Act contained shall prejudice, or affect any Policy of Insurance heretofore made by said Company; but in case of any Loss, or Losses arising, or happening on any such Policy heretofore made, the party insured thereby shall have the same remedy, and the Estate of each Proprietor, or Stockholder shall be held accountable therefor, in the same manner, and to the same amount, as if this Act had not been made.

*Approved June 23, 1804.*

## 1804. — Chapter 25.

[May Session, ch. 25.]

AN ACT TO DIVIDE THE TOWN OF HALLOWELL, IN THE COUNTY OF KENNEBECK INTO TWO PARISHES, AND TO INCORPORATE THE SOUTHERLY PART THEREOF, INTO A DISTINCT SOCIETY, BY THE NAME OF THE SECOND PARISH IN HALLOWELL.

Second Parish  
in Hallowell  
incorporated.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the town of Hallowell, in the County of Kennebeck be, and it is hereby divided, into two distinct Parishes, and the southerly part of said town, shall be hereafter known and designated by the name of the Second Parish in Hallowell, and the following shall be the dividing line, between the said Parishes, vizt. The said second Parish, shall extend on both sides of Kennebeck River, and that part of said town, lying on the east side of said River, shall include the whole, of the Easterly division of the said town, and southerly of an East, South East line, to begin at the Easterly bank of said River, and runing on the North line of Andrew Goodwin's lot, where the said lot joins on land, formerly owned by Mary Hussey, and thence to continue the same course, until it strikes the Easterly boundary of said town, thence Southerly on the Easterly line of the said town, until it strikes the northerly line of Pittston, thence West, North West, on the said Pittston line, until it strikes Kennebeck river aforesaid, from thence begining on the North line of the lot of Nathan Sweetland, on the Westerly Margin of the river aforesaid, thence runing West North West, to the Westerly line of said Hallowell, thence Southerly on the Westerly line of Hallowell, until it strikes, the North

line of Gardiner, thence East, South East, on the said North line of Gardiner, until it strikes the river aforesaid, with the Inhabitants thereon, be and they are hereby incorporated into a distinct Society by the name of The Second Parish in Hallowell, with all the powers, privileges, rights, and immunities, to which other Parishes are entitled, by the Constitution and Laws of this Commonwealth.

Corporate name.

SEC. 2. *And be it further enacted*, That Samuel Greely, Daniel Horn, Isaac Smith, Josiah Carter, Barney Gorham, Hanson Hight, Benjamin Church Junr., Jacob Carter, Ebenezer Busiel, Thomas Metcalf, and Joseph Smith, living on a certain tract of land lying Northerly of the North line, of said Parish, on the westerly side of said River, and Southerly of lot number twenty two in said town, and Gersham Cox, living on the Easterly side of said River, although not included within the boundary lines of said Second Parish be and they hereby are admitted as a part of said Parish, during their pleasure, subject to all the rules and regulations of said Parish. *Provided always*, that all the persons composing the said Second Parish, or who may hereafter be annexed thereto, shall be held to pay all Parish Taxes, legally assessed upon them and due at the time of passing this Act.

Certain persons specially admitted to second parish.

SEC. 3. *And be it further enacted*, That when any of the persons, mentioned in the second section of this Act, or any others, who shall hereafter come to reside, on the last described tract, and shall desire to become a member of the first Parish in said Hallowell, they shall certify to the Parish Clerk in writing, sometime in the month of March annually, such their desire to become a member of the first Parish; whereupon they shall be liable to be taxed with their estates in the said first Parish, mentioned in such certificate, their just proportion of all Parish taxes, and shall be held to pay all such taxes, due from them to the said second Parish, at the time of their being annexed to said first Parish.

Method of joining first parish.

SEC. 4. *And be it further enacted*, That in case, Enoch Wood, and Gilman Greely, shall within twelve months become inhabitants of said town of Hallowell or shall within that period, signify to the Clerk of the said first Parish, in writing, that they and their estates, may be annexed to said second Parish, they shall be annexed accordingly.

Enoch Wood and Gilman Greely may be annexed to second parish.

First meeting.

SEC. 5. *And be it further enacted, That Jedediah Jewett Esquire, or any other Justice of the Peace for the County of Kennebeck be, and he is hereby authorised to issue his warrant, directed to some member of said second Parish, requiring him to notify and warn all the members of the said second Parish, to assemble at such convenient time and place, as shall be appointed in the said Warrant, to choose such Officers as Parishes are by law required and empowered to choose, in the Months of March or April annually.*

*Approved June 23, 1804.*

### 1804. — Chapter 26.

[May Session, ch. 26.]

AN ACT TO INCORPORATE A NUMBER OF PERSONS IN THE TOWNS OF EDGARTOWN, CHILMARK, AND TISBURY, INTO A RELIGIOUS SOCIETY, BY THE NAME OF THE FIRST BAPTIST SOCIETY IN TISBURY.

Preamble.

*Whereas by a covenant, made, and agreed upon on the twenty first day of December, in the Year of our Lord seventeen hundred and eighty by fifty persons of the denomination of Christians called Baptists, they did then form themselves into a Christian Society, for the worship of God, according to the faith, and order of that denomination, by the name of the first Baptist Church and Society in Tisbury, and have so existed unto the present time, and by their petition to this General Court, have requested an Act of Incorporation, with the powers and privileges, usually given to similar societies.*

Persons incorporated.

SEC. 1ST. *Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, that Joseph Allen, Ezra Allen, Belcher Allen, Joseph Athearn, Jonathan Athearn, Hugh Cathcart, Jonathan Cathcart, Abraham Chace, Joseph Chace, Joseph Chace jun., Nicholas Chace, Francis Chace, Lot Cottle, Samuel Dagget, Silas Dagget, Benjamin Davis Zadock Davis, Meletiah Davis, John Davis, Cornelius Davis, Rufus Davis, Dennis Davis, William Davis, Henry Davis, William Downes, Eleazer Dunham, Shubael Dunham, Cornelius Dunham, Abijah Gray, John Gray, Freeman Gray, Abijah Hammett, John Hancock, Ephraim Harding, Jethro Hillman, Elijah Hillman, John Holmes, Isaac Luce, Benjamin Luce, Jesse Luce, Jesse Luce jun., David Luce, Elisha Luce, Paul Luce, Silas Luce, Bernard*

Luce, Warren Luce, Mathew Luce, Jonathan Manter, Jonathan Manter, jun., Thomas Manter, Peter Manter, Theophilus Mayhew, Jonathan Merry, William Merry, William Merry jun., Stephen New, Samuel Norris, Isaac Norton, Samuel Norton, Obed Norton, Peter Norton, Darius Norton, Base Norton, Henry Norton, Henry C. Norton, Archelaus Pease, David Reynolds, Prince Rogers, Silas Rogers, William Rotch, David Smith, Mathew Smith, Jonathan Tilton, Benjamin Trask, and Beriah Weeks, and their Successors, together with their families, and Estates, be, and they are hereby incorporated into a religious society by the Name of the first Baptist Society in Tisbury, with all the powers, privileges, rights, and immunities, to which Parishes are entitled by the Constitution, and laws of this Commonwealth, for religious purposes only: *Provided however*, that all such persons shall be holden to pay their proportion of Monies assessed in the town or parish, to which they respectively belonged previous to the passing of this Act.

Corporate name.

SEC. 2D. *And be it further enacted*, that either of the Justices of the Peace for the County of Dukes County, be and hereby is authorized to issue his warrant, directed to some Member of said Baptist Society requiring him to notify and warn the Members thereof, to meet at such convenient time, and place as shall be appointed in the said Warrant, to choose such officers, as Parishes are by law empowered to choose in the Months of March, or April annually.

First meeting.

*Approved June 23, 1804.*

## 1804. — Chapter 27.

[May Session, ch. 27.]

AN ACT FOR INCORPORATING CERTAIN PERSONS THEREIN NAMED FOR THE PURPOSE OF SUPPORTING A BRIDGE OVER CHICOPEE RIVER, AT A PLACE CALLED WALLOMANUMPS.

*Whereas Parsons Clap and Abner Putnam have, at great expence, erected a bridge over Chicopee river, at a place called Wallomanumps, and have presented a petition to this Court, that they, with such as may hereafter be associated with them, may be incorporated for the purpose of repairing, rebuilding and supporting the same.*

Preamble.

SECT. 1ST. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same* — That Parsons Clap and Abner Putnam and such other persons as shall associate

Persons incorporated.

Corporate  
name.

with them be and they hereby are constituted a Corporation for the purposes aforesaid by the name of the Proprietors of Wallomanumps Bridge, and under that name may enjoy all the rights, privileges and immunities incident to such Corporations in this Commonwealth. And the said Parsons Clap may call a meeting of said proprietors at any reasonable time after the passing of this act, by giving notice of the same in the Federal Spy printed in Springfield, to be holden not less than five days after such notice shall be published and said proprietors may then choose a Clerk, who shall be sworn to the faithful performance of his duty and may choose all other necessary officers and make such bye laws, as they may judge proper, not repugnant to the Laws and Constitution of this Commonwealth.

Bridge to be  
kept in good  
repair, &c.

SECT. 2D. *Be it further enacted*, that the said Proprietors be, and they are hereby empowered to repair, rebuild and support said Bridge, and the same shall always be kept in good repair, and be safe and convenient for passengers, and when the same shall be rebuilt it shall not be less than eighteen feet wide, covered with good plank and secured with sufficient railing.

Rates of toll.

SECT. 3D. *And be it further enacted*, that for reimbursing to said Proprietors the money by them expended or to be expended in building and supporting said Bridge, a toll be, and hereby is granted and established for the sole benefit of said Proprietors according to the rates following (viz), for each foot passenger two Cents — for each chaise, sulkey or other carriage drawn by one horse eight cents — for each waggon drawn by two horses eight cents — for each coach or other four wheel carriage drawn by two horses ten cents — for each loaded team eleven cents — for every team without load eight cents — for every sleigh drawn by two horses seven cents — by one horse five cents — for cattle and horses one and a half cents each — for sheep and hogs five cents per dozen, for a man and horse four cents. And at all times when the toll gatherer shall not attend his duty the gate or gates shall be kept open — and the said toll shall commence from and after the first day of July next and shall be liable to be altered and regulated after the term of thirty years.

*Approved June 23, 1804.*



1804. — Chapter 28.

[May Session, ch. 28.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT, FOR INCORPORATING WOODBURY STORER AND OTHERS BY THE NAME AND STILE OF THE CUMBERLAND CANAL."

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled & by the authority of the same*, that the stock, property and estate which may belong to the said proprietors shall be divided into four thousand shares, which shall be divided among, and held by the present proprietors according to the proportion of interest which they now severally hold therein, and certificates of such shares, signed by the president, shall be issued to [to] them accordingly, which shares shall be transferable by endorsement on such Certificates and the property shall be vested in the vendee, when a record shall be made thereof by their Clerk and new Certificates shall be issued accordingly, and such shares shall in all respects be considered as personal estate.

Stock, &c. to be divided into 4000 shares.

Transfers.

SECT. 2D. *And be it further enacted*, that the share or shares of any of the aforesaid proprietors with the dividends thereon due, shall be liable to attachment and execution in favor of any *bona fide* creditor in the manner following Vizt. whenever a proper Officer, having a Writ of attachment or execution against any such proprietor shall apply with such Writ or execution to the said Clerk, it shall be the duty of said Clerk to expose the books of the said proprietors to such Officer and furnish him with a certificate under his hand in his Official capacity ascertaining the number of shares belonging to the said proprietor, the amount of the dividends thereon due; and when any such share or shares shall be attached on mesne process, or taken in execution, an attested Copy of such Writ of attachment or execution shall be left with the said Clerk, and such share or shares may be sold on execution in the same manner as other personal property taken in execution, and it shall be the duty of such Officer making such sale, within ten days thereafter to leave an attested Copy of such execution with his doings thereon with the aforesaid Clerk, and the property of such shares thus sold shall be vested in the vendee with the dividends arising on the same after attachment or taking in execution.

Shares to be liable to attachment and execution.

Property  
allowed to be  
held.

SECT. 3D. *And be it further enacted*, that the proprietors aforesaid be and hereby are made capable in law to have, hold, purchase, enjoy and retain to them their successors and assigns, lands, rents, tenements and hereditaments to the amount of one hundred and twenty thousand dollars, including the value of such real estate as they are already made capable of holding by the Act to which this is in addition.

Commence-  
ment and dura-  
tion of toll.

SECT. 4TH. *Be it further enacted*, that the toll already established and granted said proprietors shall commence at the day when the said Canal shall be compleated and continue for and during the term of one hundred years from the same day, any thing in the act to which this is in addition to the contrary notwithstanding.

*Approved June 23, 1804.*

## 1804. — Chapter 29.

[May Session, ch. 29.]

### AN ACT TO AUTHORIZE THE PROPRIETORS OF YORK BRIDGE OVER TRAFTONS FERRY TO RECEIVE TOLL.

Toll estab-  
lished.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that for the reimbursing to the said Proprietors the monies they have already expended in building said Bridge and to keep the same in repair, a toll is hereby granted and established for the benefit of the said Proprietors and their associates according to the following rates vizt. for each foot passenger, one cent, for each man and horse, four cents, for each horse and chaise, sulkey or riding chair, eight cents for each sled, sleigh, waggon or cart drawn by one beast, six cents, for each sled, sleigh, waggon or cart drawn by two beasts, ten cents, and if drawn by more than two beasts, two cents for each additional beast, for neat cattle or horses, two cents per head, for sheep or swine four cents per dozen, in that proportion for a less or greater number, and to each team, one person and no more shall be allowed as a driver to pass free from toll, for each coach, charriot, phaeton or other four wheel carriage drawn by two horses, sixteen cents, and if drawn by more than two horses, twenty cents, and the said toll shall commence on the first day of July in the year of our Lord one thousand eight hundred and four, and shall continue for and during the

Rates of toll.

term of forty years; at the end of which time, the said Bridge shall be delivered up in good repair, to be at the disposal of the Legislature, and when twenty years have elapsed from the date of this act, the Legislature may regulate anew the rates of toll receivable at the said Bridge, and at the place where the toll shall be received, there shall be erected and constantly exposed to open view a sign board, with the rates of toll and all the tollable articles, fairly and legibly written thereon, and the said Bridge shall be kept in good, safe and passable repair.

Sign-board to be erected.

SECT. 2D. *And be it further enacted*, that if the said Proprietors, shall unreasonably neglect to keep the said Bridge in good repair as aforesaid, on such neglect being made to appear, to the Court of General Sessions of the Peace, for the County of York it shall be in the power of said Court to prohibit the proprietors aforesaid from receiving toll from any person or persons passing the said Bridge untill it is by them put into such repair as shall be considered sufficient by said Court. And the said Proprietors shall be liable to pay all damages which may happen to any person from whom the toll is demandable, for any damage which shall come from want of repair in the said Bridge.

Bridge to be kept in good repair, &c.

SECT. 3D. *And be it further enacted*, that nothing in this act shall extend to entitle the said Proprietors to demand or receive toll of any person or persons who shall be passing with his horse or carriage, or as a foot passenger to or from Public Worship on the Lords Day, or to or from any Grist Mill or from any person or persons passing on Military duty or in going or returning from Schools or town meetings.

Exemptions from toll.

SECT. 4. *And be it further enacted*, that the said toll may be commuted with any Corporation, person or persons, by taking of him or them a certain sum quarterly or annually as may be mutually agreed on in lieu of the toll aforesaid.

Toll may be commuted.

*Approved June 23, 1804.*

## 1804. — Chapter 30.

[May Session, ch. 30.]

AN ACT TO INCORPORATE THE PLANTATION OF GREAT POND SETTLEMENT, IN THE COUNTY OF LINCOLN, INTO A TOWN BY THE NAME OF PALERMO.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the*

Palermo incor-  
porated.

*authority of the same*, That the plantation heretofore known by the name of Great Pond Settlement, at the head of Sheepscut River, in the County of Lincoln contained within the following boundaries, together with the inhabita[t]ants thereon, be, and hereby are incorporated into a town by the name of Palermo, beginning at the Northeast Corner of the town of Harlem, thence running east south east five miles, thence running South twenty nine degrees west one mile & three fourths of a Mile to sheepscut river, thence down said river five hundred & forty rods to the south west corner of Davistown, thence south east on Davistown line one hundred & forty six rods, thence south twenty nine degrees west, until it makes Eight Miles and one hundred and eighty rods, thence west north west five miles, to the south east corner of Harlem, thence north twenty nine degrees east on the line of the said town of Harlem eight miles and one hundred & eighty rods to the bounds first mentioned. And the said town is hereby vested with all the powers, privileges, and immunities which other towns in this Commonwealth, do, or may enjoy by the Constitution and laws of said Commonwealth.

First meeting.

SEC. 2. *And be it further enacted*, That Josiah Stebbins Esqr. or any other Justice of the Peace in said County is hereby authorised to issue his warrant, directed to some suitable Inhabitant of said town of Palermo, requiring him to notify and warn the Inhabitants thereof, qualified to vote in town Affairs, to meet at such time and place, as shall be expressed in said Warrant, to choose all such Officers, as towns in this Commonwealth are by law required to choose, in the Month of March or April annually.

*Approved June 23, 1804.*

## 1804. — Chapter 31.

[May Session, ch. 31.]

AN ACT TO CHANGE THE NAMES OF EBENEZER MORSE, WILLIAM PAINE JUNR. WILLIAM STEVENS, JOSEPH B. TINKER, AND JAMES CRAWFORD BULLOCK.

*Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That Ebenezer Morse, son of Seth Morse of Westborough in the County of Worcester, Gentleman, be and he hereby is allowed to take the name of Ebenezer Belknap Morse — That William Paine Junior, son of William Paine of Worcester in the County of Worcester, Phy-

sician, be and he hereby is allowed to take the name of William Fitz Paine — That William Stevens of Portland in the County of Cumberland, son of Samuel Stevens late of Gloucester deceased, be, and he hereby is allowed to take the name of William Samuel Stevens — That Joseph B. Tinker, late of Windham in the State of Connecticut, now resident in Boston in the County of Suffolk Stationer, be and he hereby is allowed to take the name of Joseph Tinker Buckingham — That James Crawford Bullock of Boston in the County of Suffolk son of Nathaniel Bullock late of Salem in the County of Essex, be and he hereby is allowed to take the name of James Crawford Bullard — And each of the persons above named, shall, in future be respectively known and called by the names which they are severally allowed to take as aforesaid — And the same shall be considered as their only proper names to all intents & purposes.

*Approved June 23, 1804.*

### 1804. — Chapter 32.

[May Session, ch. 32.]

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO AUTHORIZE THE SELECTMEN OF THE TOWN OF PORTLAND TO APPOINT AN ADDITIONAL NUMBER OF ENGINE MEN.

*Whereas it is found inconvenient, that the Selectmen of Portland should be limited to the Month of January annually in the appointment of engine-men for the engine there, called the Cataract, and the number of such engine-men is insufficient.*

SEC. 1ST. *Be it enacted by the Senate, and House of Representatives in General Court assembled and by the authority of the same, that the said Selectmen be, and they hereby are authorized to nominate and appoint an additional number not exceeding twenty five men, instead of eighteen, to which they are now limited, and occasionally to fill up the said number at any time of any Year in future at their discretion.*

*Approved June 23, 1804.*

### 1804. — Chapter 33.

[May Session, ch. 33.]

AN ACT TO INCORPORATE THE PLANTATION OF EAST ANDOVER IN THE COUNTY OF YORK INTO A TOWN BY THE NAME OF EAST ANDOVER.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the*

East Andover  
incorporated.

*authority of the same*, that the Plantation heretofore called East Andover in the County of York, as described within the following Bounds, with the Inhabitants thereon, be, and hereby are incorporated into a Town by the name of East Andover, — Beginning at the Northwesterly Corner of the Town of Rumford, thence running East eighteen degrees North, & bounded by the North line of said Rumford about three Miles & a half to a beach Tree marked T. L standing in the said North line of Rumford, thence north eighteen degrees west eight miles thence West eighteen degrees South six miles, thence South eighteen degrees East eight Miles, thence east eighteen degrees North about two miles and an half to the first mentioned bound. And the said town is hereby invested with all the powers and Priviledges, rights & immunities to which other towns are entitled by the Constitution and Laws of this Commonwealth.

First meeting.

SECT. 2D. *And be it further enacted*, that Eli Twitcheil Esquire or any other Justice of the Peace in the County of York be, and he is hereby Authorised to issue his Warrant, directed to some suitable Inhabitant of the said town of East Andover, requiring him to notify and warn the Inhabitants of the said town of East Andover to assemble and meet at such Convenient time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose in the Months of March and April annually. *Approved June 23, 1804.*

### 1804. — Chapter 34.

[May Session, ch. 34.]

AN ACT TO INCORPORATE THE PLANTATION OF PEABODY'S PATENT, IN THE COUNTY OF YORK, INTO A TOWN BY THE NAME OF GILEAD.

Gilead incor-  
porated.

SECT. 1ST. *Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation heretofore called Peabody's Patent in the County of York, as described within the following bounds Vizt. Beginning at a Fir Tree marked P. B, and standing in the most south-easterly Corner of said Patent, from thence North twenty degrees West joining the town of Bethel nine hundred and sixty rods to a hemlock Tree marked P. B From thence running West one thousand six hundred and fifty

four rods to a Spruce Tree marked P. B. and standing in the line of the town of Shelburne; thence South eight degrees East by said Shelburne Eight hundred and twenty two poles to a large high rock, thence east Two thousand and eighty rods by lands granted to Fryburgh Academy, to the place of Beginning, together with the inhabitants thereon, be, and hereby are incorporated into a town, by the name of Gilead. And the said Town of Gilead is hereby vested with all the powers, priviledges and immunities, which other Towns, do or may enjoy by the Constitution and laws of this Commonwealth.

SECT. 2D. *And be it further enacted, by the authority aforesaid,* That the Honorable Simon Frye Esquire or any other Justice of the Peace for said County of York be, and hereby are empowered to issue their Warrant, directed to some suitable inhabitant of said town of Gilead, requiring him to notify and warn the inhabitants thereof, qualified to vote in Town affairs, to meet at such time and place, as shall be expressed in said Warrant, to choose all such officers, as towns are by Law required to choose in the month of March or April annually. *Approved June 23, 1804.*

First meeting.

## 1804. — Chapter 35.

[May Session, ch. 35.]

AN ACT IN AMENDMENT OF AN ACT ENTITLED “AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE BOSTON LIBRARY SOCIETY.”

*Whereas the Boston Library Society, by their act of incorporation, passed on the seventeenth day of June in the Year of our Lord one thousand seven hundred and ninety four are restrained from raising money for the purposes of their institution, unless a majority of the subscribers be present at the meeting for voting the same; which restriction hath been found inconvenient, and the Trustees of said Library, pursuant to a vote of the proprietors, have petitioned this Court for a different provision.*

Preamble.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that the third enacting clause in an “Act for incorporating certain persons by the name of the Boston Library society” be, and hereby is repealed.

Part of former act repealed.

SEC. 2. *And be it further enacted by the authority aforesaid,* that the said Boston Library Society be, and

Society authorized to raise money.

they hereby are authorized, and empowered, at their annual meeting in March to vote, grant, or order the raising of such suitable sum, or sums of money as they may judge to be necessary, or expedient for the preservation, maintenance, management, and augmentation of said Library, and to assess the same on the several shares in said Library, under the penalty of disfranchisement of any proprietor for non payment of his or her proportional assessment within such period as shall at said meeting be appointed: *Provided* that any proposed assessment, or vote of Money as aforesaid shall be specially mentioned in the notification of the annual meeting of said Society, which notification, in such case, shall be published in two, or more of the Boston News papers, thirty days, at least, before the meeting.

*Approved June 23, 1804.*

### 1804. — Chapter 36.

[May Session, ch. 36.]

AN ACT IN ADDITION TO AN ACT, INTITLED, "AN ACT ESTABLISHING A CORPORATION BY THE NAME OF THE SECOND MASSACHUSETTS TURNPIKE CORPORATION."

New rates of toll established.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same* That whenever the Proprietors of the Second Massachusetts Turnpike Corporation shall build a good and sufficient Bridge over Deerfield River on said road and also put the road in good repair they shall then be intitled to take and receive from each traveller or passenger the following rates of toll in lieu of the toll now established vizt. For every Coach, Phaeton or other four wheel Carriage drawn by two horses, thirty seven and an half Cents, and if drawn by more than two horses an additional sum of six and a quarter cents for each horse, for every cart or Waggon drawn by two Oxen or horses, twenty five cents, and if drawn by more than two oxen or horses an additional sum of six and a quarter cents each, for every curricule, twenty cents, for every sleigh or sled drawn by two oxen or horses eighteen and three quarters of a Cent, and for each additional horse or ox six and a quarter Cents, and for every chaise chair or Sulkey drawn by one horse, eighteen and three quarters Cents, and for each additional horse six and a quarter Cents, for each Sleigh, Sled or Cart drawn by one horse,



twelve and a half cents, for every man and horse twelve and a half Cents, for all oxen horses or neat cattle besides those in teams or carriages two cents each, for all sheep or swine, one half cent each, provided the said proprietors shall build and compleat said bridge within the term of two years from and after the passing this act.

SECT. 2D. *And be it further enacted*, that if any person shall draw any timber or logs on the road without mounting the fore end on wheels or runners or shall leave any timber, stones or other obstruction whatever within the limits of said road so as to obstruct the travelling or cause any expence to said Corporation, such person or persons so offending shall forfeit and pay to the use of said Corporation a sum not exceeding ten dollars nor less than one dollar.

Penalty for obstructing road, &c.

SECT. 3D. *And be it further enacted* that no person or persons shall be exempted from paying toll who is going to or from any Mill except a Grist Mill any thing in the act to which this is an addition to the contrary notwithstanding.

Persons going to mill liable for toll.

*Approved June 23, 1804.*

## 1804. — Chapter 37.

[May Session, ch. 37.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE TOWN OF LEEDS IN THE COUNTY OF KENNEBECK INTO A RELIGIOUS SOCIETY BY THE NAME OF THE FIRST BAPTIST SOCIETY IN LEEDS.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court Assembled and by the authority of the same*, that Thomas Francis, Oliver Otis, Josiah Turner, Zebulon P. Millet, James Lain, Nathaniel House Jr. Andrew Cushman, Samuel Herrick, John Millet, Isaac Collier, Uriah Foss, Gieldins Lane, Isaac Truman, Ebenezer Mason Daniel Lane Jr. Thomas Millet Jr. Simeon Gould, Phinehas Foss, Robert Gould, Joseph Gould, Seth Howard, Abial Daily, Daniel Lawthrop, Daniel Lawthrop Jr., James Stanley, David Woodman, Eleazer Carver, Daniel Robbins Thomas Millet and William Turner, with their Families and Estates, with such others belonging to the said town of Leeds as have, or may hereafter join them in the manner hereafter described, be, and they are hereby incorporated into a Religious Society by the name of the First Baptist Society in Leeds,

Persons incorporated.

Corporate name.

with all the powers, priviledges and immunities to which other Parishes are intitled by the Constitution and Laws of this Commonwealth for Religious purposes only.

Method of joining society.

SECT. 2D. *Be it further enacted* that any person belonging to the Town of Leeds aforesaid, being of the Baptist denomination who may at any time hereafter, actually become a member of, and unite in Religious Worship with the Society aforesaid and give in his or her name to the Town Clerk of said Leeds, with a Certificate signed by the Minister or Clerk of said society that he or she has actually become a member of, and united in Religious Worship with the aforesaid Baptist Society in Leeds, fourteen days previous to the Town meeting therein to be held in the month of March or April annually, shall from and after giving such Certificate, with his or her polls and estates be considered as part of said Society — *Provided however*, that such persons shall be held to pay their proportion of all money legally assessed in the said town of Leeds previous to that time.

Method of leaving society.

SECT. 3D. *Be it further enacted*, that if any member of said Baptist Society, shall at any time see cause to leave the same, and unite in Religious Worship with the Town or Parish in which he or she may reside and shall lodge a Certificate of such, his or her intention with the Clerk or Minister of said Baptist Society, and also with the Clerk of the Town or Parish in which he or she may reside, fourteen days at least before the annual meeting to be held therein, in the month of March or April, and shall pay his or her proportion of all money assessed on said Society, previous thereto, such person shall from and after giving such Certificate with his or her polls and Estates be considered as belonging to the Town or Parish or Society in which he or she may reside in the same manner as if he or she had never belonged to the said Baptist Society.

First meeting.

SECT. 4. *And be it further enacted*, that any Justice of the Peace within the County of Kennebeck, is hereby authorized to issue his warrant to some suitable member of said Baptist Society requiring him to notify and warn the members thereof, to meet at such time and place as shall be expressed in said Warrant to choose all such officers as Parishes in this Commonwealth, are by law authorized to choose, in the months of March or April annually.

*Approved June 23, 1804.*

# 1804. — Chapter 38.

[May Session, ch. 38.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE BECKET TURNPIKE CORPORATION."

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said Becket Turnpike Corporation shall be and hereby is authorized to demand and receive, at their gate to be erected in pursuance of the said act to which this is in addition, the following rates of toll instead of those established in and by said act, viz. for each Coach, Charriot Phaeton or other four wheel Carriage, drawn by two horses, thirty seven cents, and if drawn by more than two horses an additional sum of six cents for each horse; for every Cart or Waggon drawn by two oxen or horses twelve and half Cents, if drawn by more than two oxen or horses the additional sum of four cents for each ox or horse for every curriele twenty five Cents, for every Chaise Chair or other carriage drawn by one horse seventeen Cents, for every man and horse six Cents, for every Sled or Sleigh, drawn by two oxen or horses, twelve and one half Cents, if drawn by more than two oxen or horses, an additional sum of three cents for each ox or horse, for every sled or sleigh, drawn by one horse, ten Cents, for all horses, mules, oxen or neat cattle, lead or driven, besides those in teams and carriages, two cents each, for all sheep or swine at the rate of four cents per dozen — *Provided* that the rates of toll hereby established shall continue and be in force so long only as there shall be no more than one gate erected and kept up on the road of the tenth, Massachusetts Turnpike Corporation between the place where the said Becket Turnpike road shall form a junction with the said tenth Massachusetts turnpike road and the Court House in Lenox in said County of Berkshire. *Approved June 23, 1804.*

New rates of toll established.

# 1804. — Chapter 39.

[May Session, ch. 39.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE SHEFFIELD AND TYRINGHAM TURNPIKE CORPORATION.

SECTION 1ST. *Be it enacted by the Senate and House of Representatives in General Court Assembled, and by*

Persons incor-  
porated.

Corporate  
name.

Course of the  
road.

*the Authority of the same*, that Aaron Adams, Zebediah Adams, Ezra Barnum, Abel Benedict, Nathaniel Bird, Stephen Brookins, Joseph Buel, John Buel, Lyman Carter, Joseph Chapin, Peter Chapin, Russell Cook, Asa Cole, John Collar, Silas Collar, John Garfield, Josiah Hale, Ebenezer Kellogg, Thadeus Keyes, Joseph Pettes, Benjamin Smith, Gilbert Smith, Grove Smith, Jeremiah Spaulding, Stephen Stevens, Darius Stibbins, Comfort Stow, Lovett Taft, David Tracy, Alpheus Underwood, Arch. Underwood, Amos Wadsworth, Ralph Ward, Calvin Ward, & Benjamin D. Wild, together with all such persons, as may hereafter associate with them, and their Successors and Assigns, shall be a Corporation, by the name of The Sheffield and Tyringham Turnpike Corporation, and by that name may sue and prosecute, and be sued & prosecuted, unto final Judgement and Execution, and have and use a common seal, and exercise and enjoy all other powers & privileges, which are incident to and usually given to similar Corporations, for the purpose of laying out, making, and keeping in good repair, a Turnpike-road, between Sheffield and Tyringham, in the County of Berkshire, as followeth: Beginning from the Twelfth Massachusetts Turnpike, at the line between this Commonwealth, and the State of Connecticut, on the West side of the House of Capt. Uzial Clarke, thence Northerly on the East side of the house of Stephen Stevens, and on the East side of John Collar's, thence crossing the stream called Konkapot's brook, and passing on the West side of Daniel Stevens, to the East side of Comfort Stow's in New Marlboro', thence nearly as the travelled road now runs, on the East side of Konkapot's brook, to the dwelling house of Aaron Spaulding and between the house & barn of said Spaulding, by the barn of Zebediah Adams, and near the house of John Clark, between Ebenezer Hall's Grist Mill, and the dwelling house lately occupied by Titus Blackmer thence crossing Konkapot's brook, and proceeding to the Sixteenth Massachusetts Turnpike, a little West of John Dodges barn, thence by Capt. Alpheus Underwood's, and crossing the Fifteenth Massachusetts Turnpike, to the bridge near Colo. David Tracy's thence as the road now runs, to a stake & stones, near Peter Chapin's and thence in the most Convenient route, near the mill of Davenport Adams thence in the most convenient rout near the dwelling house of Israel Baker in

Tyringham, to the road leading from Springfield to Great Barrington, by the dwelling house of Joseph Buel in said Tyringham. And the said Road, shall not be less than four rods wide, and the path to be travelled on, not less than twenty feet wide, in any part thereof; And when the said Turnpike road shall be well and sufficiently made, and shall be so approved of, by a Committee appointed by the Court of General Sessions of the Peace, for the County of Berkshire, (provided that no member of said Committee shall own any share or interest in said Turnpike) then the said Corporation shall be authorised to erect one Turnpike gate, on the said road, in such place and manner, as shall be appointed by a Committee of the Court of General Sessions of the Peace for the said County of Berkshire, *Provided* that said Turnpike gate shall not be erected on any road at present travelled.

Width of road,  
&c.

Turnpike gate  
authorized.

SECTION 2D. *And Be it further enacted*, That said Corporation may purchase & hold land, over which they may make the said road: and the Justices of the Court of General Sessions of the Peace, in the County of Berkshire, are hereby Authorised, on the application of said Corporation, to lay out the said road or any part thereof, as they with the Consent of said Corporation, shall think proper and the said Corporation shall be liable to pay all Damages, which may arise to any person by taking his land for such road (where the same Cannot be obtained by voluntary agreement) to be estimated by a Committee appointed by the Court of General Sessions of the Peace for the said County of Berkshire; saving to either party the right of trial by Jury according to the Law which makes provision for the recovery of damages arising from the laying out highways, and if said Jury shall increase the damage estimated by such Committee, the said Corporation shall be holden to pay the Cost of such trial by Jury.

Justices to lay  
out the road.

Corporation to  
be liable for  
damages where  
land is taken  
without agree-  
ment.

SECTION 3D. *Be it further enacted*, That it shall be law- full for the said Corporation, to demand & receive of each traveller or passenger the following rates of toll (*Viz.*) for every Coach, Chariot, Phaeton or other four wheel Carriage drawn by two horses, twenty five Cents, and if drawn by more than two horses, an additional sum of four Cents, for each horse; for every Cart or Waggon drawn by two Oxen or horses Ten Cents, and if drawn by more than two Oxen or horses the additional sum of three Cents for each Ox or horse; for every Curricule twelve Cents &

Rates of toll.

Toll may be commuted.

five mills ; for every Chaise, Chair or other Carriage drawn by one horse twelve Cents & five mills ; for every Man & horse five Cents ; for every sled or sleigh drawn by two Oxen or horses, seven Cents ; & if drawn by more than two Oxen or horses, an additional sum of two Cents for each Ox or horse ; for every sled or sleigh drawn by one horse five Cents ; for all horses, Mules, Oxen or neat Cattle led or driven, besides those in teams or carriages, One Cent each ; for all Sheep or Swine at the rate of three Cents per dozen : *Provided also* that the said Corporation may, if they see fit, commute the rate of toll with any person or with the Inhabitants of any Town through which the said road passes, by taking of him or them, a certain sum Annually, to be mutually agreed upon in lieu of the toll Aforesaid. And the said Corporation shall, at the place where the toll shall be collected, erect in some conspicuous place and Constantly keep exposed, to open view, a sign board, with the rates of toll of all the tollable Articles, fairly & legibly written thereon in large or Capital Characters.

Penalty for injuring road or gate, &c.

SECTION 4TH. *And be it further enacted*, that if any person shall cut, break down or otherwise injure or destroy the said Turnpike Gate or shall dig up or carry away any earth from the said road or in any other manner damage the same, or shall forcibly pass or attempt to pass the said gate, by force, with intent to avoid the payment of the legal toll, at such gate, such person shall forfeit & pay a fine not exceeding Ten Dollars nor less than five dollars to be recover'd by the Treasurer of the said Corporation to their use in an action of trespass. And if any person with his team Cattle or horse shall turn out of said road to pass the said Tur[n]pike gate and again enter on said road with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay Two Dollars to be recovered by the Treasurer of said Corporation to the use of the same in an action of debt. *Provided, however*, that nothing in this Act shall extend to entitle the said Corporation to demand or receive toll of any person, who shall be passing on foot, or with his horse or Carriage to or from public Worship, or with his horse, Team, or Cattle to or from his Common Labour on his farm, or to or from any Mill or on the Common and Ordinary business of family concerns or from any person or persons passing on Military duty.

Penalty for attempting to evade the toll.

Exemptions.

SECTION 5TH. *And be it further enacted*, That if the said Corporation, or their toll gatherers or others in their employ, shall unreasonably, delay or hinder any traveller or passenger or shall demand or receive more toll than is by this Act established, the said Corporation shall forfeit & pay a sum not exceeding Ten Dollars nor less than two Dollars to be recover'd before any Justice of the Peace for the County of Berkshire, by any person injured, delayed, or defrauded in a special Action of the Case, the Writ in which shall be served on the said Corporation by leaving a Copy of the same with the Treasurer or with some individual member living within the County of Berkshire, or by reading the same to the said Treasurer or individual member at least seven days before the day of trial: And the said Treasurer or individual member shall be allowed to defend the same suit in behalf of the said Corporation And the said Corporation shall be liable to pay all damages which may happen to any person from whom toll is demandable for any damage which may arise from defect of bridges or want of repairs in the said way and shall also be liable to presentment by the Grand Jury for not keeping the same in good repair.

Penalty for delaying travellers, or exacting illegal toll.

Corporation liable for damages by defect of bridges, &c.

SECTION 6TH. *And be it further enacted*, That the shares in the same Turnpike road shall be taken & deemed and considered to be personal estate to all intents and purposes and shall & may be transferable; and the mode of transferring the said shares shall be by deed, Acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation in a Book to be kept for that purpose, and when any share shall be attached on mesne process or taken in execution an Attested Copy of such writ of attachment or execution shall, at the time of attachment or taking in execution be left with the Clerk of the said Corporation, otherwise the attachment or taking in execution shall be void; And such share or shares may be sold on execution in the same manner as is or may by law, be provided for making sale of personal property on execution; and the Officer making the sale or the Judgment Creditor leaving a Copy of the execution, and the Officers return on the same, with the clerk of the said Corporation within fourteen days after such sale, and paying for the recording of the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said Turnpike road.

Shares to be considered personal estate; mode of transfer and attachment prescribed.

Shares of  
delinquents  
to be sold.

SECTION 7TH. *And be it further enacted* That whenever any proprietor shall neglect or refuse to pay any Tax or Assessment duly voted and agreed upon by the Corporation, to their Treasurer, within Sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby Authorized, to sell at public vendue the share or shares of such delinquent proprietor one or more, as shall be sufficient to defray said Taxes and necessary incidental charges, after duly notifying in some Newspaper printed in the County of Berkshire the sum due on any such share or shares, and the time & place of sale, at least Twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing. And on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation the name of such purchaser, with the number of shares so sold shall be, by the Clerk, entered on the book of the said Corporation, and such person shall be considered to all intents and purposes the proprietor thereof; and the overplus if any there be, shall be paid on demand by the Treasurer to the person whose share or shares were thus sold.

First meeting.

SECTION 8TH. *And be it further enacted*, That a meeting of said Corporation shall be held at the House of Comfort Stow in New Marlborough, in the County of Berkshire, on the first Monday in September next, for the purpose of Choosing a Clerk, and such other Officers as may then and there be agreed upon by the said Corporation for regulating the concerns thereof; and that the said Corporation may then & there agree upon such method of calling meetings in future as they may Judge proper.

Account of cost  
of road and  
annual state-  
ments to be  
exhibited.

SECTION 9TH. *And be it further enacted* That the said Corporation shall within six months after the said road is completed, lodge in the Secretarys office, an account of the expences thereof; and that the said Corporation shall, annually exhibit to the Governor and Council, a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on the said road; and that the Books of said Corporation shall at all times be subject to the Inspection of a Committee to be appointed by the General Court, and to the Inspection of the Governor & Council, when called for.

Corporation  
may be dis-  
solved when  
indemnified  
with interest.

SECTION 10TH. *And be it further enacted*, That the General Court may dissolve the said Corporation whenever it



shall appear to their satisfaction, that the income, arising from the toll, shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of said road; together with an Interest thereon, at the rate of Twelve pr. cent by the year; And thereupon, the property of the said road, shall be vested in this Commonwealth and be at their disposal; *Provided however*, that if the said Corporation shall neglect to compleete the said Turnpike road for the space of three years from the passing of this Act the same shall be void and of no effect. *Approved June 23, 1804.*

1804. — Chapter 40.

[May Session, ch. 40.]

AN ACT TO INCORPORATE THE PRESIDENT, TRUSTEES AND ASSOCIATES OF THE BOSTON EXCHANGE OFFICE, OR ASSOCIATION FUND.

SECT. 1st. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Sumner, Nathaniel Parker, Daniel Scott, Beza Tucker, George Odiorne, John Fox, David S. Eaton, Eliphalet Williams, Thomas Odiorne, Joseph Loring, Junr. John Hall, Phineas Upham, Josiah Marshall, John West & Thomas K. Thomas, their associates, successors & assigns, shall be, and hereby are, created a Corporation, by the name of The President & Trustees of the Boston Exchange Office, or Association Fund, and shall so continue from the first Monday of August next, until the first Monday of October, in the year of our Lord one thousand eight hundred and twelve, unless this Act shall be sooner repealed; and by that name shall be, and hereby are made capable in Law, to sue and be sued, plead & be impleaded, defend & be defended, in any Courts of record or any other place whatever; and also to make, have & use a Common Seal, and the same at pleasure again to break, alter, and renew; and also to ordain, establish and put in execution, such bye-Laws, ordinances, and regulations, as to them shall appear necessary & convenient for the Government of said Corporation, & the prudent management of their affairs: *Provided* such bye Laws, ordinances & regulations shall in no wise be contrary to the Constitution & laws of this Commonwealth, and the said Corporation shall

Persons incorporated.

Corporate name.

Bye-laws, &c. to be established.

always be subject to the rules, restrictions, limitations and provisions herein prescribed.

Fund authorized.

SECT. 2d. *And be it further enacted*, That the said Corporation shall have liberty to establish & keep, in Boston, a Fund of one hundred and fifty thousand dollars in current Bank bills of this Commonwealth, & a further sum in Specie of Fifty thousand Dollars, with the privilege of discounting on said fund, & on a proportion not exceeding thirty three and one third per Cent of the amount of Bills or Specie actually deposited in such Bank at the time of such discount, with such security as said Corporation shall think advisable; *provided however*, there shall at no time be due to said Corporation a greater sum than four hundred thousand Dollars; and said Corporation shall not issue any Bills or promises of their own on any discounts or Loans by them made; nor shall they ever owe more than the amount of their deposits.

Number and value of shares, &c.

SECT. 3d. *And be it further enacted*, That the said fund shall be divided into fifteen hundred shares, of one hundred dollars each, in bills of any incorporated Banks of this Commonwealth, with an advance of thirty three and one third per Cent in specie, which shall be paid in, in three instalments, to wit, fifty per Cent. on each share, on or before the second Monday of August next; twenty-five per Cent on or before the second Monday of October next; and twenty-five per cent. on, or before the second Monday of December next; that is, three parts of each instalment in the bills as aforesaid, and one part in specie; and the Trustees shall, at their first meeting, determine the mode of transferring and disposing of said fund, which being entered on the Books of said Corporation shall be binding on the proprietors, their successors and assigns; and the said Corporation are hereby made Capable in law, to have, hold, purchase, receive, possess enjoy & retain, to them, their successors, & assigns, lands, rents, tenements, & heriditaments, for the convenience & transaction of their business, to an amount not exceeding at any one time, twenty five thousand dollars, with power to bargain, sell, and transfer the same, *provided, however*, that nothing herein contained, shall restrain said Corporation from taking, & holding real estate in Mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to the said Corporation; *and provided also*, that no money shall be loaned, or discounts

Estate allowed to be held.

made, until such parts of the sum subscribed for, and actually paid in, shall amount to fifty per Cent of said Fund.

SECT. 4. *And be it further enacted*, That the following rules, limitations, and provisions, shall form and be the fundamental principles of the said Corporation :

Rules, &c.

ARTICLE 1ST. That for the well ordering of the affairs of the said Corporation, there shall be a meeting of the proprietors on the first Monday of every August, annually, during its continuance, at such time & place as the Trustees for the time being may, by public notification, given one week previous thereto, appoint; at which time and place the proprietors shall choose, by ballot, twenty one Trustees, to continue in office the year ensuing their election, in the choice of whom one share shall give one vote, and every two shares above one shall have a right to one vote more, provided no proprietor have more than five votes, and a majority of Votes shall in all cases decide.

Proprietors' meetings.

ARTICLE 2D. The Trustees shall choose, by a majority and by ballot, one of their own number to Act as President, and shall hold their meetings semiannually; to wit, on the first Monday of every August and February, and at any other time during the continuance of said Corporation, at such place as their President for the time being may appoint; when and where they shall choose from their own body, by ballot, each member having but one vote, nine Superintendent Trustees, who shall continue in office six months ensuing their election, but not less than two thirds of the Votes of the whole number of Trustees shall, in this case, constitute a choice; and absent members may vote by proxy, being authorised in writing.

Trustees' meetings.

ARTICLE 3D. No person but a member of said Corporation, being a Citizen of this Commonwealth, & resident therein, nor a director in any Bank, shall be eligible for a Trustee, and the office of any Trustee shall be vacated, who shall accept an office in any Bank; and the Trustees shall have power to fill up incidental vacancies, two thirds of their whole number constituting a choice, in manner as aforesaid.

Eligibility of trustees.

ARTICLE 4TH. The Superintendent Trustees shall choose, by a majority & by ballot, their own Chairman; and no less than fifteen Trustees, nor less than five Superintendent Trustees, shall constitute a board for the transaction of business at their respective meetings, of whom

Boards for transaction of business.

the President and Chairman shall always be one, at his own board, necessary and unavoidable absence only excepted, in both of which cases, the President and chairman may be chosen for the time being.

Superintendents to manage the business.

ARTICLE 5TH. The Superintendent Trustees shall transact the ordinary business of said Corporation, and shall make semiannual dividends of all the profits, rents, incomes, and interests arising from the said fund, and shall declare the same at the semiannual meeting of the Trustees.

Trustees to fix salaries, &c.

ARTICLE 6TH. The Trustees shall have power to appoint a Treasurer, and other necessary Officers for conducting the business of said fund, and to grant them such Salaries as they may think fit, taking from each satisfactory bonds of Responsibility.

Shares to be liable to attachment and execution.

SECT. 5TH. *And be it further enacted*, That the share or shares of any member of the said Corporation with the dividends due thereon, shall be liable to Attachment and execution in favor of any *bona-fide* creditor, in manner following, to wit, whenever a proper officer, having a writ of attachment, or execution, against any such member, shall apply with such writ or execution, to the Treasurer of said fund, it shall be the duty of said Treasurer to expose the books of said Corporation to such officer, and furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the said member holds in said funds, and the amount of the dividends due thereon; and when any such share or shares shall be attached on mesne process, or taken in execution, an attested Copy of such writ of attachment or execution shall be left with said Treasurer, and such share or shares may be sold on execution, after notification of the time and place of Sale, in the same mode as other personal property; and it shall be the duty of such Officer making such sale, within ten days thereafter, to leave an attested copy of the execution, with his return thereon, with the Treasurer of said fund, and the vendee shall thereby become the Proprietor of such share, or shares and be entitled to the same, and to all the dividends which shall have accrued thereon, after taking in execution as aforesaid; notwithstanding any intervening transfer, or attachment.

Corporation not to run on any banks.

SECT. 6TH. *And be it further enacted*, That the said Corporation shall neither directly nor indirectly, run upon, or make a demand for specie on, any of the incorporated

banks of this Commonwealth, or which may hereafter be incorporated, whereby to cause distress; nor knowingly furnish any person or persons with bills for that purpose; and in order that an impartial currency may be given to the bills of this Commonwealth, said bills shall at all times be paid out promise[u]ously, as they are received; and the said Corporation are hereby restricted from asking or receiving a premium, for exchanging the bills of any one bank aforesaid, for those of any other of this Commonwealth, or for specie, or to purchase the bills of any bank of this Commonwealth at a discount during its continuance.

SECT. 7. *And be it further enacted*, That in case of any excess of loans, the Trustees under whose administration it may happen, shall be liable to the payment of the same, in their private capacity; but this shall not be construed to exempt the said Corporation, or any estate, real or personal, which they may hold as a body corporate, from being also liable for, and chargeable with such excess.

In case of excess of loans.

SECT. 8TH. *And be it further enacted*, That any Committee specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of the said Corporation, and shall have free access to all their books, and vaults; and if, upon such examination, it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, and conditions, in this act provided, their incorporation shall thereupon be declared forfeited and void. — And this Act of Incorporation shall at all times hereafter be subject to revision, alteration and repeal by the Legislature.

Legislative committee may examine books, &c.

SECT. 9TH. *And be it further enacted*, That it shall be the duty of the President and Trustees of said Corporation to make, on the first Mondays of January and June every year, and to transmit as soon thereafter as may be, to his Excellency the Governour, and the Council of this Commonwealth, accurate and just Statements of the amount of their Capital Stock, actually paid in, of debts due to the Corporation, of their deposits, of the gold, silver and other coined metals on hand, and of the Notes of other banks, specifying the amount of such Notes issued

Semi-annual statements to be made to the Governor and Council.

by the Banks of this Commonwealth, and that of the Notes of banks incorporated elsewhere; which statements shall be signed by a majority of the Trustees of said Corporation, and attested by the Cashier of said Corporation.

First meeting.

SECT. 10TH. *And be it further enacted*, That the persons herein before named, or any three of them, are hereby authorised to call a meeting of the proprietors of said Corporation, as soon as may be, after the passing of this Act, at such time and place, as they may see fit, by advertizing the same two weeks successively in some public News-paper printed in Boston, for the purpose of adopting, and establishing, such by-laws, ordinances, and regulations, for the orderly conducting the affairs of said Corporation, as the proprietors thereof may deem necessary, and also for the choice of the first board of Trustees.

*Approved June 23, 1804.*

### 1804. — Chapter 41.

[May Session, ch. 41.]

AN ACT TO INCORPORATE THE PLANTATION CALLED BARRETS-TOWN, INTO A TOWN BY THE NAME OF HOPE.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, that the Plantation heretofore called Barretstown lying in the County of Lincoln, as described within the following boundaries, with the Inhabitants thereon — Be and they are hereby incorporated into a town by the name of Hope, beginning at the Northwest-erly corner of Camden, thence running North fifty six degrees East on Camden line five miles & one quarter of a mile — thence North thirty four degrees west Six Miles, making a Corner — thence South fifty six degrees west five miles & one quarter of a Mile to Union line thence South thirty four degrees East by Union line & the line of the town of Warren six Miles to the place of beginning — And the said town of Hope is hereby incorporated and vested with all the powers, priviledges, rights, and immunities, to which other towns are intitled by the Constitution, and Laws of this Commonwealth.

Hope incorpo-  
rated.

Samuel Jacobs,  
Esq. to issue  
warrant.

SECT. 2D. *And be it further enacted*, that Samuel Jacobs of Camden in the County of Lincoln, Esquire be and he is hereby authorised to issue a warrant directed to some suitable person, an Inhabitant of the said town of Hope —

requiring him to notify and warn the inhabitants thereof, to assemble at some convenient time and place as shall be expressed in the said Warrant for the choice of such town Officers, as towns are by Law required to choose, at their Annual meetings in the Months of March or April annually.

*Approved June 23, 1804.*

## 1804. — Chapter 42.

[May Session, ch. 42.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, “AN ACT FOR INCORPORATING JOSEPH NOYES & OTHERS BY THE NAME AND STYLE OF THE PROPRIETORS OF THE FALMOUTH CANAL.”

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Stock, property and estate which may belong to the said Proprietors shall be divided into four thousand shares which shall be divided among and held by the present Proprietors according to the proportion of interest which they now severally hold therein and Certificates of such shares signed by the president shall be issued to them accordingly — which shares shall be transferable by endorsement on such certificates and the property shall be vested in the Vendee when a record shall be made thereof by their Clerk, and new Certificates shall be issued accordingly and such shares shall in all respects be considered as personal estate.

Number of  
shares, mode  
of transfer, &c.

SEC. 2. *And be it further enacted,* That the share or shares of any of the aforesaid Proprietors with the dividends thereon due shall be liable to attachment and execution in favor of any *bona fide* creditor in the manner following vizt. Whenever a proper Officer having a Writ of Attachment or execution against any such proprietor shall apply with such writ or execution to the said Clerk it shall be the duty of the said clerk to expose the books of the said proprietors to such officer and furnish him with a Certificate under his hand in his official Capacity ascertaining the number of shares belonging to the said proprietor, the amount of the dividends thereon due, and when any such share or shares shall be attached on mesne process or taken in execution, an attested copy of such writ of attachment or execution shall be left with the said Clerk, and such share or shares may be sold on execution in the same manner as other personal property taken in

Shares to be  
liable to attach-  
ment and ex-  
ecution.

execution — and it shall the duty of such Officer, making such sale, within ten days thereafter to leave an attested copy of such execution with his doings thereon with the said clerk, and the property of such shares thus sold shall be vested in the vendee with the dividends arising on the same after attachment or taking in execution.

Amount of  
property  
allowed to be  
held.

SEC. 3. *And be it further enacted*, That the proprietors aforesaid be and hereby are made capable in law to have, hold, purchase, enjoy, and retain to them, their successors and assigns, lands, rents, tenements and hereditaments to the amount of One hundred and twenty thousand dollars, including the value of such real estate as they are already made capable of holding by the Act to which this is an addition.

Commence-  
ment and dura-  
tion of toll.

SEC. 4. *Be it further enacted*, That the toll already established and granted said Proprietors shall commence at the day when the said Canal shall be completed, and continue for and during the term of one hundred years from the same day, any thing in the Act to which this is in addition to the contrary notwithstanding.

*Approved June 23, 1804.*

### 1804. — Chapter 43.

[November Session, ch. 1.]

AN ACT TO RENDER VALID THE DOINGS OF CERTAIN PERSONS WHO WERE DEPUTIES UNDER THOMAS PHILLIPS ESQR. LATE SHERIFF OF THE COUNTY OF HANCOCK AT THE TIME OF HIS RESIGNATION.

*Whereas divers Writs and Precepts have been served and executed, since the resignation of the said Phillips by certain persons who were deputies under him at that time.*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That all Writs and Precepts served and executed, since the Resignation of the said Phillips and before the qualification of his successor in said Office, by his giving Bonds as the Law directs by any persons who were deputies under the said Phillips at the time of his resignation shall be considered and taken as legally served and executed, in the same manner as they would have been had said Phillips continued in said Office during that time — and the doings of said persons within the time aforesaid, by virtue of such Writs and precepts are hereby



rendered and declared to be valid to all intents and purposes, so far as the same were in other respects done according to Law.

*Approved November 20, 1804.*

## 1804. — Chapter 44.

[November Session, ch. 2.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT EMPOWERING TOWNS TO RESTRAIN CATTLE FROM RUNNING AT LARGE WITHIN THEIR SEVERAL LIMITS."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That the Inhabitants of any Town within this Commonwealth, may at any town meeting legally holden for that purpose, order and direct that any particular description of neat Cattle or other commonable beasts shall not go at large, within the limits of such town, without a keeper, under the penalty mentioned in the Act to which this is in addition, and to be recovered in the manner therein prescribed, for each beast found going at large, without a keeper, contrary to the order and direction of any town as aforesaid.

Towns authorized to restrain cattle from going at large.

SEC. 2. *And be it further enacted,* that if any person or persons, shall turn out, or suffer any such Cattle or beasts, so restrain'd as aforesaid from going at large, to go at large on the Lords Day with or without a keeper, such person or persons shall forfeit and pay Fifty Cents for each beast so turned out or suffered to go at large to be recovered by action of debt, by any Inhabitant of such town, who will sue for the same and for his sole use; — And it is also hereby made the duty of all Field Drivers within their respective Towns and districts to carry the provisions of this Act into effect.

Penalty for cattle going at large on the Lord's day.

SEC. 3. *And be it further enacted,* That if any person shall suffer any such Cattle or beasts belonging to him or in his keeping to go at large, contrary to the order and direction of any town made pursuant to the authority given in this Act, and the Act to which this is in addition and any such Cattle or beasts shall within such town do damage on the improved lands of any person, the person so suffering such Cattle or beasts to go at large shall be liable to pay all damages so done by such Cattle or beasts, to be recovered by the person suffering such damage, in an Action of Trespass, before any Court proper to try the same, whether such improved lands be enclosed with a sufficient fence or not.

Person allowing cattle to go at large to be liable for damages.

*Approved November 21, 1804.*

**1804. — Chapter 45.**

[November Session, ch. 3.]

AN ACT TO CHANGE THE NAME OF BELA NICHOLS.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that Bela Nichols, of Springfield, in the County of Hampshire, Printer, be, and he hereby is allowed to take the name of Francis D. Nichols, and that he shall in future be known and called by the name of Francis D. Nichols; and the same shall be considered as his proper name, to all intents & purposes.*

*Approved November 21, 1804.*

**1804. — Chapter 46.**

[November Session, ch. 4.]

AN ACT TO CHANGE THE NAME OF BELA SNOW.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, — That Bela Snow, son of the late Sylvanus Snow, of Brewster, in the County of Barnstable, deceased, be, and he hereby is allowed to take the name of Sylvanus Snow; and that he shall be, in future, known and called by the name which he is so allowed to take as aforesaid, and the same shall be considered as his only proper name to all intents and purposes.* *Approved November 22, 1804.*

**1804. — Chapter 47.**

[January Session, ch. 1.]

AN ACT TO INCORPORATE THE PROPRIETORS OF THE PUBLIC BATHING HOUSE IN BOSTON.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that Aaron Dexter, Thomas Welsh, Stephen Codman, Sylvanus Gray, John C. Howard, Richard D. Tucker, Allan Pollock and all such persons as are, or may be associated with them, for the purpose of erecting and keeping a bathing House in Boston, and their successors, shall be, and they hereby are made a corporation by the name of the Proprietors of the Bathing House in Boston, and by that name may sue and be sued,*

Persons incor-  
porated.

Corporate  
name.

and may have a common Seal, and may have and enjoy all the privileges, and powers, which are by Law incident to a Corporation, for the purpose of keeping using and improving a public building or buildings with all necessary and convenient appurtenances for Bathing.

Seal allowed, &c.

SECT. 2d. *And be it further enacted by the authority aforesaid*, that Aaron Dexter, Thomas Welsh, Sylvanus Gray, or any one of them, may, by an advertizement in one or more of the Newspapers printed in Boston, call a Meeting of said Proprietors, to be held at any suitable time and place, after ten days Notice; and the said Proprietors, by the Vote of the Major part of those present, or represented at said meeting, may choose a President, a Treasurer, a Clerk and six Directors, and may Vest in them such powers as they may deem necessary, and may determine how often and in what manner, and at what times, said Officers shall be chosen, and in what manner future meetings shall be called and held.

Meetings; officers to be chosen, &c.

SECT. 3d. *And be it further enacted by the authority aforesaid*, that the said Corporation be, and the same hereby is authorised and empowered to purchase and hold real estate to the Value of Twenty thousand dollars; and that the whole interest shall be divided into one hundred shares, which shares shall be deemed and considered to all intents and purposes as personal property, and ownership thereof, shall be evidenced by a Certificate signed by the President, and Countersigned by the Clerk, and sealed with the Common Seal;—and such share shall be transferable by the owner personally, or by attorney upon the books to be kept by the Clerk for that purpose, & such owner, upon making such transfer, shall deliver up his certificate to be cancelled.

Real estate; shares, &c.

SECT. 4TH. *Be it further enacted by the authority aforesaid*,—That the property of every individual member in said Corporation vested therein, shall be liable to attachment, and to the Payment, and Satisfaction of his just debts, to any of his *Bona fide* Creditors, in manner following, Vizt. In addition to the Summons by law prescribed to be left with the debtor, a like summons shall be left with the Clerk of the said Corporation; and the Debtors shares in said Corporation, together with any interest, profits, or rents of any kind due or growing due thereon, shall be held to respond said Suit according to Law; And all transfers of the Debtor's shares not noted in the Clerk's

Shares to be liable to attachment and execution.

books previous to the delivery of such Summons, shall be barred thereby; and execution may be levied upon the property of any Member of said Corporation, and his shares therein be exposed to sale, in the same way as is by law provided and established where personal estate is taken in execution. And it shall be the duty of the Officer, who extends such execution, to leave an attested Copy thereof, with his doings thereon, with the Clerk of said Corporation; And the purchaser shall thereupon be entitled to all dividends, and Stock, and to the same privileges, as a Member of said Corporation, that the debtor previously was entitled to; — And upon attachment being made or execution levied on any shares in said Corporation, it shall be the duty of the Clerk to expose the books of said Corporation to the officer, and to furnish him with a Certificate under his hand in his official Capacity, ascertaining the Number of shares the debtor holds in said Corporation, and the amount of the dividend, if any, thereon due.

*Approved January 24, 1805.*

### 1804. — Chapter 48.

[January Session, ch. 4.]

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF LAYING OUT AND MAKING A TURNPIKE ROAD FROM NEWBURY PORT TO CHELSEA BRIDGE."

Preamble.

*Whereas the proprietors of the Newbury Port turnpike by their directors have represented to this Court that they have already completed a considerable portion of their said road and are yet proceeding in that work, but that as the expence attending said undertaking has already greatly exceeded the sum Originally contemplated, and that as they are not allowed by their act of incorporation to recieve toll of passengers on their said road until the whole thereof be completed, many persons already travel on the same without paying said Corporation any compensation therefor.*

Commissioners  
to be appointed  
to locate gates.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same That His Excellency the Governor be, and he hereby is authorized to appoint three Commissioners, who shall have authority forthwith to repair to the said road and they or a Major part of them may if they think proper, and said directors desire it,*

determine upon locate and establish toll gates on such part of said turnpike road as they shall deem sufficiently made at which said corporation shall have a right to demand and receive of all travellers and passengers the rates of toll established by said incorporating act, in the same manner as by said Act they would have been entitled to do after the whole of said road should have been compleated. And whereas, said turnpike road is so laid out as to intersect a great number of highways in such a manner that the payment of toll may often be eluded by persons travelling over considerable portions of said turnpike road, unless said corporation be authorised to erect a greater number of toll gates than by said incorporating Act is allowed. Therefore

SECT. 2. *Be it further enacted*, That said Commissioners or a major part them, may at the request of said Corporation determine upon locate and establish such a number of toll gates more than three and not exceeding Six, as they shall think fit, upon such parts of said turnpike road as they may deem suffie[*i*]ently made, at each of which gates, or at such of them as said Commissioners shall designate for that purpose the said Corporation shall have a right to demand and receive half the rates of toll established by said incorporating Act to be paid at the three gates thereby allowed and no more. *Provided* that the toll which said corporation shall have a right to demand at all the gates which may be established on said turnpike road shall not exceed the rates of toll allowed by said incorporating Act to be demanded for passing over the whole thereof. And said Commissioners in locating and designating said toll gates, are enjoined to govern themselves accordingly. And said Commissioners or a Major part of them shall make return of their doings in the premises into the Office of the Secretary of this Commonwealth to be by him recorded at the expence of said Corporation.

Number of toll gates to be established.

SECT. 3. *Be it further enacted*, that the penalties, provisions, and restrictions created by the Act to which this is in addition relating to the toll gates and the regulation and payment of toll shall apply as fully to the gates and payment of toll hereby allowed, as though the same had been Originally allowed in that Act.

Penalties, &c. of former act to apply to the gates &c. now allowed.

*Approved February 2, 1805.*

[January Session, ch. 2.]

**Capital reduced.**

Policies not affected.

*Approved February 4, 1805.*

[January Session, ch. 3.]

**Preamble.**

*Whereas Sundry persons, Proprietors of the Ship Yard and of certain Wharves and flats lying on the Harbour of Boston, between Battery March Street and State Street—in said Town, have associated for the purpose of improving said land and laying out a spacious street near*

*the Harbour, through their said Estates, which will be conducive to public Accommodation:*

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that Uriah Cotting, James Lloyd, Junior, Benjamin Bussey, Francis Cabot Lowell, Rufus Greene Amory, Joshua Loring, John I. Loring and Samuel D. Harris, Proprietors of the said Ship Yard, wharves and flats, with such of the Proprietors of the other Wharves and estates between said limits as may hereafter associate with them, and their Successors and Assigns, being Citizens of the United States, shall be, and hereby are constituted a body Politic and corporate, by the name of Broad Street Association in the town of Boston, for and during the term of seven Years & no longer, and the said Corporation, by the said name, are hereby declared and made Capable in law to sue and be sued, to implead & be impleaded, to have a common Seal and alter and renew the same at pleasure, to make rules and by-laws for the regulation and management of the said Estates, consistent with the laws of the Commonwealth, and generally to do and execute whatever by law shall appertain to Bodies Politic.*

Persons incorporated.

Corporate name.

SECT. 2. *And be it further enacted, by the authority aforesaid, that the said Corporation shall be, and hereby is declared Capable to purchase, have, hold and possess the said Ship Yard, Wharves, Lands & appurtenances, lying between Battery-March-Street & State-Street aforesaid, or such parts thereof as may be conveyed to the said Corporation by the said individual Proprietors, and shall have power, with the Approbation of the Selectmen of Boston, to lay out one or more Streets through the same, to build walls to protect the same from the Sea, & to erect buildings thereon, & the said corporate property, or any part thereof, to grant sell, & alien, in fee Simple or otherwise, & to lease, exchange manage & improve the same, according to the will and pleasure of the said Associates or a major part of them, to be expressed by their Votes at any legal meeting.*

Corporation allowed to hold lands, form streets, &c.

SECT. 3D. *Be it further enacted, that the said Associates may, at any legal Meeting, agree upon the Number of Shares into which the said Estate shall be divided, not exceeding five hundred, & upon the form of certificates to be given to Individuals of the Number of Shares by them*

Certificates of shares to be issued.

respectively held, & upon the mode & conditions of transferring the same, which shares shall be held & considered as personal Estate; — they shall also have power to assess upon each share such sums of Money as may be deemed necessary for Streets Sea Walls, erecting buildings, purchasing lands within the aforesaid limits, &, generally, for the improvement & good management of said Estate, agreeably to the true intent of this Act; & to sell & dispose of the said Shares for the payment of Assesments, in such way & manner as said Corporation may determine. — *Provided however*, that the Value of the buildings which may be erected on the premises by the said Associates & held by them or for their use as a Corporation shall not exceed, at any one time, four hundred Thousand Dollars, exclusive of the Land.

Shares of individuals liable to attachment, &c.

SECT. 4. *Be it further enacted*, that the property of every individual Member of said Corporation, vested in said Corporate fund or Estate, shall be liable to attachment & to the payment of his just debts, in manner following, to Vizt. in addition to the Summons by Law prescribed to be left with the Debtor, a like Summons shall be left with the Secretary or Clerk of said Corporation, and the Debtor's share or shares in the Corporate funds shall be held thereby to respond said suit, according to law; all transfers of the Debtor's shares in the said Corporate funds, not noted in the Books of the Corporation previously to the delivery of such Summons, shall be barred thereby; and execution may be levied on the property of any stock holder in the said Corporation, & his shares therein exposed to sale in the same manner as is by law provided when Personal Estate is taken in execution; & it shall be the duty of the Officer who extends such Execution to leave an attested Copy thereof, with his doings thereon, with the Clerk or Secretary of said Corporation, and the purchaser shall thereupon be entitled to the reception of all Dividends & Stock, & to the same privileges, as a member of the said Corporation, that the Debtor was previously entitled to, & to none other; & it shall be the duty of the Secretary or Clerk to expose the Books of said Corporation to the Officer, so far as respects the Number of shares said Debtor may own, and to furnish him with an official Certificate of the number of shares owned by said Debtor.

Meetings, &c.

SECT. 5. *And be it further enacted*, that any two of the Associates may call a Meeting, by advertizing the same



in any two of the public News papers printed in Boston, at least three days before the time of Meeting, & at that or any other Meeting may elect such President, Trustees, Directors, Secretary, Clerk or other Officers, & for such term of time, not exceeding one year, as they may judge fit, & the same at pleasure change or remove; & in the choice of Officers, or on any other Occasion, when it shall be required by a major part of the members present at any meeting, the votes may be given by shares, provided only, that no one member shall have more than five Votes.

SECT. 6. *Be it further enacted*, that nothing herein contained shall be deemed or construed to give to said Proprietors any right or Authority to take or appropriate to their use the land, right or privilege of any person or persons without his or their consent, and by a legal conveyance thereof from such person or persons to the said Corporation.

Lands, &c. not to be taken without consent of owners.

SECT. 7. *And be it further enacted*, that at the expiration of said term of seven years all real Estate then belonging to said Corporation shall be, and hereby is vested in such persons as may then be the Members thereof, and their respective Hiers and Assigns, as tenants in Common, in proportion and according to the Number of Shares they may then hold.

Real estate to vest in members of the corporation at the end of seven years.

*Approved February 11, 1805.*

## 1804. — Chapter 51.

[January Session, ch. 5.]

AN ACT TO AUTHORISE WILLIAM FLITNER, AND OTHERS, TO BUILD A BRIDGE ACROSS ROBIN HOOD'S COVE.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that William Flitner and Benjamin Riggs, together with their associates, and those who shall hereafter associate with them, be, and they hereby are permitted to build a bridge, over both branches of Robin Hood's Cove, at or near the Mills on said Cove, in the town of Georgetown, in the County of Lincoln: *Provided*, the said Bridge be so constructed as to admit the passing Gondola's loaded with Hay.

*Approved February 11, 1805.*

## 1804. — Chapter 52.

[January Session, ch. 6.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT FOR INCORPORATING CERTAIN PERSONS, FOR THE PURPOSE OF LAYING OUT AND MAKING A TURNPIKE ROAD FROM QUINCY MEETING HOUSE, TO A PLACE CALLED QUEEN ANN'S CORNER, ON THE BORDERS OF HINGHAM AND SCITUATE, AND FOR BUILDING THE NECESSARY BRIDGES ON SAID ROAD, AND FOR SUPPORTING THE SAME."

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Braintree and Weymouth Turnpike Corporation, be, and are hereby authorised and empowered to demand and receive one Cent from all foot passengers & travellers passing over the Bridge in Braintree, built from Thomas' point, so called, to the west end of Minot Thayer's Wharf.

SEC. 2D. *And be it further enacted,* that the Governor and Council be, and hereby are empowered to appoint a special Committee, at the expence of said Corporation, to approve of the road from Tufts' Store to Queen Ann's corner, when the same shall be compleated, any law to the contrary notwithstanding.

*Approved February 11, 1805.*

## 1804. — Chapter 53.

[January Session, ch. 7.]

AN ACT TO SET OFF JEDEDIAH LITTLE FROM THE SOUTH PARISH IN THE TOWN OF MARSHFIELD, AND TO ANNEX HIM & HIS ESTATE TO THE NORTH PARISH, IN THE SAID TOWN.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that Jedediah Little, of Marshfield, in the County of Plymouth, with his polls & estate, be, and hereby is set off from the South, and annexed to the North Parish in the said town of Marshfield. *Provided,* that the said Jedediah Little shall previously pay his proportion of all Parish Charges assessed upon, and due to the said South Parish, prior to the date of this act.

*Approved February 11, 1805.*

1804. — Chapter 54.

[January Session, ch. 8.]

AN ACT TO INCORPORATE THOMAS HAZARD JUNIOR & OTHERS INTO A COMPANY, BY THE NAME OF THE BEDFORD MARINE INSURANCE COMPANY.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Thomas Hazard Junr. & others Petitioners, and all such persons as have already, or shall hereafter become Stockholders in said Company, being Citizens of the United States, be and they are hereby incorporated into a Company & body politic by the name of The Bedford Marine Insurance Company, for and during the term of twenty years after the passing of this Act, and by that name may sue or be sued, plead, or be impleaded, appear, prosecute, and defend to final judgment & execution; and have a common seal, which they may alter at pleasure; and may purchase, hold, and convey any estate, real or personal, for the use of said Company, subject to the restrictions herein after mentioned.

Persons incor-  
porated.

Corporate  
name.

SECTION 2. *And be it further enacted,* That a share in the Capital Stock of the said Company shall be One hundred Dollars, and the number of shares shall be One thousand five hundred; and if the said number of shares are not already filled, subscriptions shall be kept open, under the inspection of the President & Directors of the said Company, until the same shall be filled; and the whole Capital Stock, estate, or property which the said Company shall be authorised to hold shall be one hundred and fifty thousand Dollars, exclusive of premium Notes or profits, arising from their business, of which Capital Stock or property, not more than fifteen thousand Dollars, shall be invested in real estate.

Value of shares  
and amount of  
capital.

Real estate.

SECTION 3. *And be it further enacted,* That the stock, property, affairs & concerns of the said Company, shall be managed & conducted, by Seven Directors, one of whom shall be President thereof, who shall hold their Offices for one year, and until others shall be chosen and no longer, which Directors shall, at the time of their election, be Stockholders & Citizens of this Commonwealth; and shall be elected on the second Monday of April — in each and every year, at such time of the day,

Directors to be  
chosen, &c.

and at such place in the town of New Bedford, as a majority of the Directors for the time being shall appoint; of which election public notice shall be given, by publication in the *Courier* printed in New Bedford, for the space of ten days — immediately preceeding such election; and such election shall be holden under the inspection of at least three Stockholders, not being Directors, to be appointed previous to every election by the Directors, and shall be made by ballot, by a majority of Votes of the Stockholders present, allowing one Vote to each Share in the Capital Stock: *Provided* no Stockholder shall be allowed more than ten Votes; and the Stockholders not present may vote by proxy, under such regulations as the Company shall prescribe; and if in case of any unavoidable accident, the said Directors shall not be chosen on the said second Monday of April, as aforesaid, it shall be lawful to choose them on another day, as shall be appointed by the President & two Directors. And no person being a Director of any other Company, carrying on the business of Marine Insurance, shall be eligible as a Director of the Company by this Act established.

President to be  
chosen, &c.

SECTION 4. *And be it further enacted*, That the Directors so chosen shall meet as soon as may be after every election, and shall choose out of their number one person to be president, who shall preside until his successor shall be chosen; and shall be under Oath or Affirmation faithfully to discharge the duties of his Office; and in the case of the death, resignation, or inability to serve of the President or any Director, such vacancy shall be filled for the remainder of the year, in which they shall happen, by a Special election for the purpose, to be held in the same manner as is herein before directed, respecting annual elections for Directors and President.

Board of  
directors.

SECTION 5. *And be it further enacted*, That the President and two of the Directors, or three of them in his absence shall be a Board, competent to the transacting of business; and all questions before them shall be decided by a majority of Votes; & they shall have power to make and prescribe bye-laws, rules, and regulations, as to them shall appear needful & proper, touching the management and disposition of the Stock, property, estate, & effects of said Company, and the transferr of the shares, and touching the duties and Conduct of the several Officers, clerks, & servants employed, and the election of Directors,

and all such matters as appertain to the business of Insurance; and shall have power to appoint a Secretary, and so many clerks & servants for carrying on of said business, and with such salaries and allowances to them & to the President, as to the said Board shall seem meet: *Provided*, that such bye-laws, rules, & regulations, shall not be repugnant to the Constitution and Laws of this Commonwealth.

SECTION 6. *And be it further enacted*, That there shall be stated meetings of the Directors, at least once in every month, and as often within each month, as the President and Board of Directors shall deem proper; and the President and a Committee of two of the Directors, to be by him appointed in rotation shall meet dayly, if need be, for the dispatch of business; and the said Board of Directors, and the Committee aforesaid, at and during the pleasure of the Board, shall have power and authority, on behalf of the Company, to make insurance upon vessels, freights, money, goods, and effects, and against the Captivity of persons, and on the life of any person, during his absence by sea, and in cases of money lent upon bottomry and respondentia, and to fix premiums and terms of payment; and all policies of Insurance by them made, shall be subscribed by the President; and in case of his death, sickness, inability, or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding & obligatory upon the said Company, and have the like effect and force, as if made under the Seal of the Company; and the assured may thereupon maintain an Action of the case against the said Company; and all losses duly arising, under any policy so subscribed, may be adjusted and settled by the President, and board of Directors, and the same shall be binding on the Company.

Meetings of directors.

SECTION 7. *And be it further enacted*, That it shall be the duty of the Directors on the second Monday of January and July in every year to make dividends of so much of the Interest, arising from their Capital Stock, and the profits of said Company, as to them shall appear advisable; but the monies received, and the notes taken for premiums on risques, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company; and in case of any loss or losses, whereby the

Semi-annual dividends to be made.

In case of losses  
affecting capi-  
tal stock.

Capital Stock of the Company shall be lessened, each proprietor or Stockholder's estate shall be held accountable for the deficiency that shall be due on his Share or Shares, at the time of said loss or losses taking place, to be paid unto the said Company by assessments, or such other mode, and at such time or times as the President & Directors shall order; and no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the Capital; and that once in every two years, and oftener if required, by a majority of the Votes of the Stockholders, the Directors shall lay before the Stockholders, at a legal meeting, an exact & particular Statement of the profits, if any there be, after deducting losses and dividends.

Company not to  
engage in trade.

SECTION 8. *And be it further enacted*, That the said Company shall not directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize, or commodities whatever, other than such as may be abandoned by the assured; and the Capital Stock of said Company, after being collected at each instalment, shall within Six Months be vested either in the funded debt of the United States, or of this Commonwealth, or in the Stocks of the United States Bank, or of any incorporated Bank of this Commonwealth, at the discretion of the President & Directors of said Company, or of other Officers, which the Stockholders shall for such purpose appoint.

Payment for  
shares.

SECTION 9. *And be it further enacted*, That fifty dollars on each share in said Company, shall be paid within ninety days, after the first meeting of the said company, and the remaining sum due on each share within one year after said first meeting, by such equal instalments, and under such penalties, as the said Company shall direct; and no transfer of any share in said Company shall be permitted, or be valid, until all the instalments on such shares shall have been paid.

Shares liable to  
attachment and  
execution.

SECTION 10. *And be it further enacted*, That the property of any member of said Company, vested in the Stock of said Company, with the dividend or dividends due thereon, shall be liable to attachment & execution, in favour of any *bona fide* creditor, in manner following, vizt. — Whenever a proper Officer having a writ of attachment or execution, against any such member, shall apply with such writ or execution, to the Secretary, of said Company, it shall be the duty of said Secretary to expose the books of the Corporation to such Officer, and furnish him

with a Certificate, under his hand, in his official capacity, ascertaining the number of Shares the said member holds in said Company, and the amount of the dividend or dividends due thereon, and when any such share or shares shall be attached on Mesne process, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the said Secretary; and such share or shares may be sold on execution, after the same notification of the time and place of sale, and in the same mode of sale as other personal property; and it shall be the duty of the Officer making such Sale, within ten days thereafter, to leave an attested copy of the execution, with his return thereon, with the Secretary of the Company, and the Vendee shall thereby become the Proprietor of such share or Shares, and entitled to the same, and to all the dividends which shall have accrued thereon, after the taking in execution as aforesaid; or when there shall have been a previous attachment, after such attachment, notwithstanding any intervening transfer.

SECTION 11. *And be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the Capital Stock of the said Company, and the President and Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of Insurance, their estates jointly & severally, shall be accountable for the amount of any and every loss, which shall take place, under policies thus subscribed.

Liability for insurance done after losses equalling capital.

SECTION 12. *And be it further enacted*, That the President & Directors of the said Company shall previous to their subscribing to any policy, and once in every year after, publish in the Courier, or any other news paper printed in said town, the Amount of their Stock, against what risques they mean to insure, and the largest sum they mean to take on any one risque. And the said President and Directors, shall not be allowed to insure on any one risque, a larger sum than ten per centum, of the amount of the Capital Stock of said Corporation actually paid in.

Amount of capital, &c. to be published annually.

SECTION 13. *And be it further enacted*, That the President & Directors of said Company shall, when, and as often as required by the Legislature of this Commonwealth, lay before them a Statement of the Affairs of said Company, and submit to an examination, under Oath or Affirmation concerning the Same.

Statements to be made to the legislature when required.

SECTION 14. *And be it further enacted*, That Thomas

First meeting.

Hazard Junr. Abraham Russell, and Daniel Ricketson, or any two of them, be and hereby are authorised to call the first Meeting of the members of said Company, by advertizing the same in the Courier, printed in New Bedford in two Successive papers, for the purpose of Electing their first board of Directors, who shall continue in Office, — until the second Monday of April, One thousand eight hundred & six, and until others are chosen in their stead.

*Approved February 11, 1805.*

### 1804. — Chapter 55.

[January Session, ch. 9.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, “AN ACT TO INCORPORATE GEORGE DODGE AND OTHERS INTO A COMPANY, BY THE NAME OF THE SALEM MARINE INSURANCE COMPANY.”

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Secretary of said Company may and shall at any time hereafter, upon the application in writing of the President and the major part of the Directors, or of the proprietors of two hundred Shares of said Capital Stock, call a Meeting of the Stockholders, to be holden at such time and place in said Salem as he shall direct, for the purposes mentioned in such application, by advertizing the same in one of the News Papers printed in Salem, at least seven days before the time appointed for such Meeting.

SECT. 2. *And be it further enacted,* That said Stockholders, at any Legal Meeting thereof, may make any other rule and regulation for calling Meetings in future, which they shall judge will be more convenient for them.

*Approved February 16, 1805.*

### 1804. — Chapter 56.

[January Session, ch. 10.]

AN ACT AUTHORISING THE INHABITANTS OF THE TOWN OF NEWTON, IN THE COUNTY OF MIDDLESEX TO REGULATE THE TAKING OF FISH, CALLED SHAD & ALEWIVES WITHIN THE LIMITS OF THE SAID TOWN.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the*



*authority of the same*, — That from and after the passing of this Act, it shall be lawful for the Inhabitants of said town of Newton, to sell the right, and regulate the times, places and manner of taking said Fish within the limits of said Town, not exceeding in point of time three days in a week. And the Inhabitants of said Town at their annual meetings in March or April are hereby authorised and empowered to appoint Agents, whose duty it shall be to carry into execution the purposes of this Act.

The right of fishing, &c. may be sold.

SECTION 2. *Be it further enacted*, That the agents aforesaid may in behalf of said Town, and for their use and benefit, sell the right, and regulate the times, places, and manner of taking said Fish within the Town aforesaid. And for the proceeds of said Sale of said right, said Agents shall be held to account with and pay to the said Inhabitants from time to time in such manner as they may direct or Vote in said Meetings in March or April.

Agents to make sale, &c.

SECTION 3. *Be it further enacted*, That the said Agents shall forthwith, after establishing such rules and regulations, and determining by whom said Fish may be taken, cause a Copy thereof under their hands, to be posted up in two or more public places within the said Town; and if any person, or persons, other than those to whom said right shall be sold as aforesaid, shall take any of said Fish, called Shad & Alewives within the Town aforesaid, or if any person, or persons to whom said right shall be sold as aforesaid, shall take any of said Fish, at any other time, in any other place, or in any other manner, than shall be expressed in the Conditions of the sale to them; such person or persons so offending shall severally for each and every Offence forfeit and pay treble the value of said Fish so taken; to be recovered in an Action on the Case to the use of any Person, who may sue for the same.

Rules and regulations to be made and posted up.

Penalty for improperly taking fish.

*Approved February 16, 1805.*

## 1804. — Chapter 57.

[January Session, ch. 11.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE TOWN OF TURNER, IN THE COUNTY OF CUMBERLAND INTO A RELIGIOUS SOCIETY BY THE NAME OF THE UNIVERSALISTS SOCIETY IN TURNER.

SEC. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the*

Persons incorporated.

*authority of the same*, that Benjamin Chamberlain, Cyrus Leavitt, Joseph Leavitt Jun., Jabez Merrill, Arthur Bradman, Samuel Pumpilly, Levi Merrill, Seraiah Merrill, Hezekiah Bryant junr., Richard Philips, Jesse Bradford, David Hood, Reuben Thorp, Jeremiah Coburn, John Soul, Nathaniel Sawtill jr., Aaron Soul, Nathaniel Sawtell, Benjamin Sawtell, Joshua Whitman, Elisha Pratt, Ezekiel Bradford jr., Isaac Jones, Benjamin Jones jr., Bennet Pumpilly, Jabez Merrill jr., Abraham Maxem Jr., Richard Phillips Jr., Cushing Philips, Robert Bradman, Josiah Gilbert, Elijah Gilbert Jr., Edward Keen, Church Pratt, Joseph Merrill, Jabez T. Merrill, Caleb Gilbert, Moses Allen, William Bradford, Ephraim Turner, Asa Bradford, Joseph Bonney, Abiel Turner, Isaac Leavitt, Chandler Bradford, Henry Jones jr., William Gorham, William Bradford Jr., Samuel Kensley, Samuel Kensley Jr., Ichabod Bonney Jr., Daniel French Jr., George French and Elijah Gilbert, with their Families and Estates be and they are hereby incorporated into a Religious Society by the Name of the universalists Society in Turner, with all the powers, privileges, and immunities, to which other Parishes are intitled by the constitution and laws of this Commonwealth for Religious purposes only.

Corporate name.

Method of joining society.

SECT. 2. *Be it further enacted*, that any person belonging to the said Town of Turner, who may at any time within one year from the passing of this Act, actually become a Member of, and Unite in Religious worship with the Society aforesaid, and give in his or her name to the Town Clerk of said Turner, with a Certificate signed by the Minister, or Clerk of said Society, that he or she has actually become a Member of, and United in Religious worship with the universalists Society aforesaid, fourteen days at least previous to the Town Meeting to be holden in said Town of Turner in the Months of March or April annually, shall from and after giving such Certificate, with his or her Polls and Estates be considered as part of said Society, *provided however*, that such person or persons shall be holden to pay their proportion of all Money assessed in said Town of Turner previous to that time.

Method of leaving society.

SEC. 3D. *Be it further Enacted*, that if any member of said Universalists Society shall at any time within one year from the passing of this Act see cause to leave the same, and Unite in Religious Worship with any other Religious Society in said Town of Turner, and shall lodge

a Certificate, of such his or her intention, with the Minister or Clerk of said Universalists Society, & also with the Clerk of the Town of Turner, fourteen days at least before the Town Meeting in the Months of March or April Annually, and shall pay his or her proportion of all money assessed in said Society previous thereto, such person shall, from and after giving such Certificate, with his or her Polls and Estates, be considered as belonging to the Town or Parish in which he or she may reside, in the same manner as if he or she had never belonged to the said Universalists Society.

SEC. 4TH. *And be it further enacted* that any Justice of the peace in the County of Cumberland, be and hereby is authorised to Issue a Warrant, directed to some suitable Member of said Universalists Society, requiring him to Notify and warn the Members thereof, to meet at such time and place in said Town as shall be directed in said Warrant, to choose such Officers as Parishes in this Commonwealth are by law Authorized to choose in the Months of March or April annually.

First meeting.

*Approved February 16, 1805.*

## 1804. — Chapter 58.

[January Session, ch. 12.]

AN ACT TO RESTRAIN THE ISSUING OF PRINTED PROMISORY NOTES OF CERTAIN DENOMINATIONS, & FOR OTHER PURPOSES.

SEC. 1. *Be it enacted by the Senate & House of Representatives, in General Court assembled, and by the authority of the same,* That all Bills, Notes, Checks, Draughts, or Obligations whatsoever, under the amount of five dollars, payable to bearer or to order, shall be wholly in writing — And that all Notes, Bills, Checks, draughts, or Obligations whatsoever, under the aforesaid amount, and payable as aforesaid, which shall be made or issued after the first day of April next, and which shall bear the impression of types, plates or printing, shall be utterly void, and no Action shall be thereon sustained in any Court of Law.

Notes, &c. for less than five dollars to be in writing.

SEC. 2. *And be it further Enacted,* That any person or persons who shall issue or pass any Bill, Note, Check, draught or Obligation whatsoever, unless the same be wholly in writing as aforesaid, shall forfeit and pay a fine of four dollars, to be recovered by an Action of the Case,

Penalty.

before any Court competent to try the same, one Moiety thereof for the Use of the Complainant, and the other Moiety for the use of the poor of the Town, where said Bill, Note, Check, draught, or Obligation may be issued or passed: *Provided however*, that nothing herein contained shall affect the rights or priviledges already granted to any Bank or Banks incorporated within this Commonwealth.

Proviso.

Secretary directed.

SEC. 3. *And be it further enacted*, That the Secretary, be, and he is hereby directed to cause this Act to be published, as soon as may be, in all those News-papers in which the Laws of this Commonwealth are usually published.

*Approved February 18, 1805.*

### 1804. — Chapter 59.

[January Session, ch. 13.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT PROVIDING A MORE EASY AND SIMPLE METHOD THAN IS NOW IN USE OF BARRING ESTATES TAIL IN LANDS, AND FOR MAKING THE SAME LIABLE TO THE PAYMENT OF THE DEBTS OF THE TENANT IN TAIL."

Barring of Estates Tail in lands, &c.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That in all cases whatever, where an Estate Tail in remainder in lands and tenements, together with all remainders and reversions expectant on the determination thereof, might by law be barred by a common recovery duly suffered by the tennant of the freehold and remainder man joining therein, such Estate Tail with all such remainders and reversions expectant on the determination thereof, shall be as effectually barred, to all intents & purposes, by the deed or deeds of the Tenant of the Freehold, and of the remainder man, as the same could be barred by the suffering such common recovery; and the Person or Persons to whom such deed or deeds shall be so made, shall hold the Lands and Tenements, so conveyed, to such uses as may be therein expressed, in the same manner as though such uses had been so expressed in the deeds made, declaring the uses for which such common recovery might have been suffered — *Provided*, that such deed or deeds made for the purposes aforesaid, be duly executed, acknowledged & recorded as provided in the Act to which this is in addition.

*Approved February 18, 1805.*

# 1804. — Chapter 60.

[January Session, ch. 14.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT FOR REGULATING THE PROPRIETORS OF THE MEADOW AND FLAT GROUND WITHIN THE COVE, CALLED LITTLE-HARBOUR, IN THE TOWN OF HINGHAM, IN THE COUNTY OF SUFFOLK."

*Whereas by the Act to which this is in addition, no provision is made to prevent the taking and carrying away, from below the dam, or from off the beach, surrounding said Meadow & flat ground, Stones, Gravel, Sand, or other materials, by which the same might be greatly injured: Therefore,* Preamble.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the Same,* That from and after the passing of this Act, it shall not be lawful for any person or persons to take, carry away, or remove, by land or by water, from below the dam, or from off the Beaches surrounding the said Meadow or flat ground, any Stones, Gravel or Sand — Wood, Brush or Grass, now growing, or which shall hereafter grow on said Beaches; — And that every person so offending, and being convicted thereof, shall forfeit and pay, for each & every Ton of Stones, Gravel & Sand, — And for each & every Cord of Wood, or Brush so taken & carried away, five dollars, — and in proportion for a greater or less quantity, with costs of Suit, to be recovered, by an Action of trespass, in any Court proper to try the same, the one half to the use of the Complainant, the other to the proprietors of said Meadow & flat ground. Stones, gravel, &c. not to be removed.

SEC. 2. *Be it further enacted,* That all horses, cattle, sheep, or swine, found running or feeding on said Beaches, shall be liable to be taken up and empounded by any of said proprietors, and dealt with in the same manner as if they had been taken in the Town ways, when prohibited, by the Town from running at large. Horses, &c. found on the beach may be impounded.

*Approved February 18, 1805.*

# 1804. — Chapter 61.

[January Session, ch. 15.]

AN ACT TO INCORPORATE THE DISTRICT OF CARLISLE, IN THE COUNTY OF MIDDLESEX, INTO A TOWN BY THE NAME OF CARLISLE.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the*

Carlisle  
incorporated.

*authority of the same*, That the District of Carlisle, in the County of Middlesex, be, and hereby is incorporated into a Town, by the name of Carlisle. And the said town is hereby vested with all the powers, privileges, and immunities, to which other Towns are entitled by the Constitution & Laws of this Commonwealth.

Pay of rep-  
resentatives.

SEC. 2. *Be it further enacted*, That the said Town of Carlisle shall be liable to be assessed for the pay of Representatives heretofore chosen, in the same manner, and in the same proportion as if this Act had not passed.

*Approved February 18, 1805.*

### 1804. — Chapter 62.

[January Session, ch. 16.]

AN ACT TO CHANGE THE NAME OF PEPPERELBOROUGH TO SACO.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that from and after the passing of this Act, the name of the town of Pepperelborough, in the County of York, shall cease, and the said town shall hereafter be called and known by the name of Saco, and by this name shall be entitled to all the rights & privileges, and subject to all the duties and obligations, to which it would have been entitled and Subjected, if the name had not been changed as aforesaid.

*Approved February 23, 1805.*

### 1804. — Chapter 63.

[January Session, ch. 17.]

AN ACT TO AUTHORISE THE SECOND PARISH IN SCARBOROUGH TO DISPOSE OF CERTAIN REAL ESTATE.

Authorized to  
sell certain  
real estate.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That, the Inhabitants of the Second Parish in Scarborough in the County of Cumberland be, and they are hereby authorized and empowered with the consent of the Revd. Nathan Tilton their Pastor, to sell and convey in fee simple a certain lot of land in said town belonging to said Parish, whereon the Parsonage house formerly stood, Containing one Acre and one half, and to make, Execute, and acknowledge a good and sufficient deed or Deeds thereof, which Deed or Deeds, subscribed by their Treasurer, by direction of said Parish, shall be good and effectual in Law to pass and convey the fee

simple from said parish to the purchaser, to all intents and purposes whatsoever.

SECT. 2D. *Be it further enacted*, That the money arising from the sale of said lot of Land, shall be laid out in purchasing a piece of Salt Marsh, adjoining the parsonage Lot of Marsh, or in some other convenient place in said Parish; or the same may be invested in Bank Stock, or be put at interest and secured by Mortgage of real Estate, to the full Value thereof, or by two sufficient Sureties with the principal, and in either case the use and improvement thereof shall forever hereafter be appropriated to the use of the Congregational Ministers in said Parish.

Disposal of money arising from the sale.

SECT. 3D. *Be it further enacted*, that said Parish be and they are hereby authorised and empowered whenever they judge proper with the consent of the Reverend Nathan Tilton their Pastor, To exchange all that part of the Parsonage lot of Marsh which lies Northerly of the first Cumberland Turnpike, and that part also which is bounded Westerly by a Crooked Creek, with Cyrus Foss for so much Marsh as will be an equivalent therefor, in a more eligible and convenient situation for the Minister of said Parish, and to make and execute a good and sufficient Deed of the Marsh so Exchanged to said Foss in manner as is provided in the first Section of this Act.

Exchange of marsh land allowed.

*Approved February 23, 1805.*

## 1804. — Chapter 64.

[January Session, ch. 18.]

AN ACT INCORPORATING SUNDRY PERSONS RESIDING IN THE TOWNS OF SHEFFIELD, WEST STOCKBRIDGE, AND STOCKBRIDGE, INTO THE PROTESTANT EPISCOPAL SOCIETY OF GREAT BARRINGTON.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Job Westover, Joseph Wilcox, Zachariah Spalding, and Stephen Stevens, of Sheffield; Ezekiel Stone, Silas Stone, and Elijah Andrews of West Stockbridge; And Clark Baldwin of Stockbridge, in the County of Berkshire, together with their families, polls and estates, be, and they hereby are incorporated into the Protestant Episcopal Society of Great Barrington.

Persons incorporated.

Corporate name.

SEC. 2. *Be it further enacted*, That any person belonging to either of the said towns of Sheffield or West Stockbridge, being of the Episcopal denomination, and who shall unite in religious worship with said Society, and

Method of joining the society.

shall within one Year from the passing of this Act, leave a Certificate, signed by the Minister or Clerk thereof, with the Clerk of the town to which he belongs, that he is regularly attendant upon public Worship in the said Society; and shall also lodge a notification in writing, under his hand, in the office of the Clerk of the said Episcopal Society, signifying his having joined the same; such person shall, from and after leaving such certificate, and lodging such notification, as aforesaid, be considered, to all intents and purposes, together with his family, polls and estate, as belonging to the said Episcopal Society. *Provided, however,* that such person shall be liable to pay his proportion of all assessments which may have been legally made upon the inhabitants of the town to which he belongs, prior to his joining the said Society.

Provision re-  
specting taxes.

SEC. 3D. *Be it further enacted,* That the persons so incorporated into the said Society, with their families, polls & Estates, shall be wholly exempt from any and all assessments, other than those legally imposed by said Society, except as herein before provided, for any religious purpose whatever; that they shall be subject to the assessment and collection of all taxes legally granted and agreed upon by the said Society; that it shall be lawful for the assessors and Collectors of the said society, for the time being, respectively, to assess and collect the same; that it shall be the duty of the said Collectors, or other warning Officers of the said Society, to warn the said persons to attend all society meetings; and that the said persons shall enjoy all the privileges and immunities, and be subject to all the duties and restrictions of members of the said Society in the same manner they would or might if resident in the said town of Great Barrington.

*Approved February 23, 1805.*

## 1804. — Chapter 65.

[January Session, ch. 19.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE TOWNS OF NEW GLOUCESTER, GRAY, PEGYPSCOT, AND POLAND, AS A RELIGIOUS SOCIETY, BY THE NAME OF THE FIRST UNIVERSALIST SOCIETY OF CHRISTIANS IN NEW GLOUCESTER.

SECT. 1. *Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same,* that Solomon Atwood Junr., Jacob Bailey, John Bayley, Robert Bayley, Nathaniel Bennett,

Persons incor-  
porated.



Nathaniel Bennett Junr., Moses Bennett, Moses Bennett Junr., Jonathan Bennett, Jonathan Bennett Junr., John Bennett, John Bennett Junr., Isaac Blake, Richard Blake, Alden Bridgham, William Bridgham, Daniel Cash, Jabez Cushman, Ebenezer Davis, Joshua Dunn, Josiah Dunn Junr., Thomas Finson, Moses Fitz, Thomas Goss Junr., William Hatch, Daniel Heaney, David Jordan, Job Lane, David Macintire, Samuel Mayall, John Mayall, Robert Mayall, Jabez Merchant, Joseph Pearce, Joseph Pearce Junr., Samuel Pearce, William Peirce, Joseph Pennell, Samuel Pingree, Joseph Raynes Junr., Stephen Rollins, Joseph Saunders, Moses Saunders, Moses Sawyer, David Steele, William Tucker, John Webster, True Woodbury, and Ebenezer Witham, with their families, polls, and Estates be and they are hereby incorporated into a religious Society, by the name of The first Universalist Society of Christians in New Gloucester, with all the powers, privileges, rights, and immunities, to which other Parishes and religious Societies are entitled, by the Constitution and Laws of this Commonwealth, for religious purposes only.

Corporate name.

SECT. 2. *And be it further enacted*, that any person belonging to either of the said towns of New Gloucester, Gray, Pegypscot, and Poland who may at any time w[h]ithin one year from the passing of this Act actually become a member of, and unite in religious worship with the Society aforesaid, and give in his or her name to the town Clerk of the town in which he or she doth dwell, and produce a Certificate signed by the Minister or Clerk, that he or she has actually become a member of, and united in religious worship with the universalist Society aforesaid thirty days at least, previous to the annual town Meeting in March or April, shall from and after giving such certificate, with his or her polls and estates, be considered as members of said Society: *Provided however*, that such person or persons, shall be holden to pay their proportion of all Monies assessed for religious purposes, in the town to which he or she belonged, previous to his or her becoming a Member of said Universalist Society.

Method of joining the society.

SECT. 3D. *And be it further enacted*, that if any member of the said Universalist Society, shall at any time within One year from the passing of this Act see cause to leave the same, and to unite in religious worship, with any other religious Society, in the town where such person doth dwell, and shall declare an intention to that effect in writing, signed and deposited with the Minister

Method of leaving the society.

or Clerk of the said Universalist Society, and also with the Clerk of the town in which such person may dwell, thirty days at least before the annual town meeting in March or April, and shall pay his or her proportion of all Money assessed on said Society previous therto, such person shall, from and after signing and declaring such intention in writing, with his or her polls and estate, be considered as belonging to the town or Parish in which he or she may reside.

First meeting.

SECT. 4. *And be it further enacted*, that either the Justices of the Peace for the County of Cumberland, be and he is hereby authorised to issue a Warrant, directed to some member of the said Universalist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, to choose such officers, as Parishes are by law empowered to choose in the months of March or April annually.

*Approved February 23, 1805.*

### 1804. — Chapter 66.

[January Session, ch. 20.]

AN ACT TO EMPOWER THE SELECTMEN OF THE TOWN OF NEWBURY PORT, TO INCREASE THE NUMBER OF ENGINE MEN IN SAID TOWN.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, that the Selectmen of the town of Newbury Port, be, and they hereby are authorized and empowered, if they shall judge it expedient to nominate and appoint as soon as may be after the passing of this Act, and ever after in the Month of January annually, any number not exceeding six men to each Engine in addition to the Number of men now authorized by Law.

*Approved March 1, 1805.*

### 1804. — Chapter 67.

[January Session, ch. 21.]

AN ACT, IN ADDITION TO AN ACT ENTITLED, "AN ACT FOR THE RELIEF OF POOR PRISONERS WHO ARE COMMITTED ON EXECUTION FOR DEBT."

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that whenever any person shall have been Convicted for any offence against Government and shall

have suffered the penalties of the Law therefor, and cannot therefore be admitted as a witness in any civil or Criminal Action, and shall afterwards be committed for debt, and being poor & indigent shall be unable to pay prison Charges, the same person may be admitted to the Oath as prescribed by the Act to which this is an addition, he or she Conforming to all the requisitions which are made in said Act.

*Approved March 1, 1805.*

## 1804. — Chapter 68.

[January Session, ch. 22.]

AN ACT TO INCORPORATE CERTAIN PROPRIETORS OF MEADOW LANDS, LYING ON CHARLES RIVER, STOP RIVER & BOGGASTOW BROOK, WITHIN THE TOWNS OF MEDWAY, MEDFIELD & SHERBURN, FOR THE PURPOSE OF DRAINING OFF THE STAGNANT WATER, & FOR BETTER IMPROVING THE SAID LANDS.

SEC. 1. *Be it enacted by the Senate & House of Representatives, in General Court assembled, & by the authority of the Same,* That from and after the passing of this Act, all the proprietors of certain meadow-lands adjoining on Charles River, Stop River & Boggastow-Brook, and contiguous thereto, as hereafter described, viz. Beginning in Medfield on the easterly side of said Charles River, on a ditch the north Side of Meadow land belonging to Ephraim Wheelock, at the upper Meadow, so called, and on the Westerly side of said River in Medway, at the most southerly part of the meadow land belonging to Horatio Adams, extending northerly on both sides of said Charles river till it comes to a place called the rock narrows, lying between the town of Sherburne & district of Dover, including said narrows, and any bars of sand, gravel, rocks or other obstructions in said River, as far down said river as to the mill dam belonging to William Bigelow inclusively, and extending up Boggastow-brook, on both sides of said Brook, as far as the south side of the meadow-land belonging to Benoni Morse in Medway, & extending up Stop River as far as the long Causey in Medfield, lying partly in the County of Middlesex, & partly in the County of Norfolk, be, and they hereby are incorporated into a body politic, by the name of The Proprietors of the Charles River, Stop River, and Boggastow-Brook Meadows, for the purpose of draining off the Stagnant Water, and for better improving the said lands, and for removing any bars of

Boundaries.

Corporate name.

sand, gravel, rocks or other obstructions aforesaid in said Charles River; —and by the name aforesaid, the said Proprietors may sue and be sued, and do and suffer whatever other similar bodies politic may or ought to do and suffer.

Meetings of  
proprietors,  
&c.

SEC. 2. *And be it further enacted*, That any Justice of the Peace in the County of Norfolk, be, and he is hereby empowered and directed, upon application, in writing, from five or more of said Proprietors, to issue his warrant to one of the proprietors aforesaid, requiring him to notify and warn a meeting of said Proprietors, at such time & place, as he shall think most convenient, the purposes to be expressed in said warrant, by posting up copies of said Warrant, with the notification thereon, at the Houses of Public Worship in Medfield, Sherburne, & the East Parish in the town of Medway, seven days at least before the time for holding said Meeting; & the said Proprietors, when legally assembled as aforesaid, shall have power to choose a Clerk, Committee or Committees, assessors, collector or collectors of taxes, and Treasurer, who shall be sworn to the faithful discharge of the trust reposed in them, and continue to serve until others are chosen and sworn in their places, which may be annually; which Officers, chosen & sworn as aforesaid, shall have the same power to perform, execute and carry any Vote or Order of said Corporation into full effect, as town Officers of like description have by law; and said Corporation shall, at their first meeting, agree and determine upon the method for calling future meetings; and said Corporation shall, at their first meeting, or any other meeting legally called for that purpose, have power to vote and raise monies, for the purpose of removing the bars and shoal places in said river, or to increase the width of said rivers or brook, as the case may require, for the purpose of draining off the Stagnant Water from said meadows from time to time, as shall be found necessary for saving the grass growing thereon, and for paying all other expences that shall be found necessary for the better management thereof; and all monies raised as aforesaid, shall be assessed upon each proprietor, in the meadows aforesaid, in proportion to the number of Acres, or value thereof, he or she may own, in the meadow land, damaged as aforesaid; and if any proprietor, shall refuse or neglect to pay, the sum or sums assessed upon him or

her, as aforesaid, after sixty days notice, so much of his or her meadow land, shall be sold, as will be sufficient to pay the same, with legal cost, in the same manner non-resident proprietors lands, in this Commonwealth, are sold to pay taxes.

*Approved March 1, 1805.*

## 1804. — Chapter 69.

[January Session, ch. 23.]

AN ACT TO AUTHORISE THE RAISING A FUND FOR THE SUPPORT OF PUBLIC SCHOOLS IN THE TOWN OF WARREN IN THE COUNTY OF LINCOLN.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Thomas Starrett, John Libby, Alexander Lermond, John Creighton and Manasseh Smith Junr. be, and hereby are appointed Trustees to sell all the real Estate belonging to said town of Warren, which was originally appropriated for the use of Schools, and to put out at interest the money arising from such sale in manner herein after mentioned, and for that purpose.

Trustees appointed.

SEC. 2. *Be it further enacted,* That the said Trustees be and hereby are incorporated into a body politic by the name of The Trustees of the School funds in the town of Warren in the County of Lincoln; and they and their successors shall be & continue a body politic and corporate by that name forever; and they shall have a common Seal, subject to be altered at their pleasure, & they may sue and be sued in all actions real, personal, or mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

Corporate name.

SEC. 3. *Be it further enacted,* That the said Trustees and their Successors, shall and may annually, elect a President & Clerk to record the doings and transactions of the Trustees at their meeting, and a Treasurer to receive and apply the monies herein after mentioned as herein after directed, and any other needful Officers, for the better managing their business.

Officers to be chosen.

SEC. 4. *Be it further enacted,* That the number of Trustees shall not be, at any one time, more than five, nor less than three; any three of their number to constitute a quorum for transacting business, and they shall and may, from time to time, fill up vacancies in their number which may happen by death, resignation, or otherwise,

Number of trustees.

Trustees may  
be removed.

from the inhabitants of said town; and shall have power to remove any of their number who may become unfit or incapable from age, infirmity, misconduct or any other cause, of discharging their duty; and to supply a vacancy so made by a new choice from the town aforesaid. And the said Trustees shall annually hold a meeting in March or April, and as much oftener, as may be found necessary to transact the business of said Corporation, which meetings, after the first, shall be called in such way & manner as the Trustees shall hereafter direct.

First meeting.

SEC. 5. *Be it further enacted*, That Colonel Thomas Starrett be and hereby is authorized to fix the time and place for holding the first meeting of the Trustees, and to notify each Trustee thereof.

Real estate may  
be sold.

SEC. 6. *Be it further enacted*, That the said Trustees be and are hereby authorized and empowered to sell and convey, in fee simple, all the real estate belonging to said town as aforesaid, and to make, execute, and acknowledge a good and sufficient deed or deeds thereof, which Deed or Deeds subscribed by the name of their Treasurer, by direction of said Trustees, with their Seal thereto affixed, shall be good and effectual in Law to pass and convey the fee simple from said town to the purchaser to all intents and purposes whatever.

Money to be  
put at interest.

SEC. 7. *Be it further enacted*, That the monies arising from the sale of said real estate shall be put at interest as soon as may be, and secured by mortgage of real estate to the full value of the estate sold, or by two or more sufficient sureties with the principal, unless the Trustees shall think it best to invest the same in public funded securities or Bank Stock of this Commonwealth, which they may do.

Interest to be  
put at interest,  
&c.

SEC. 8. *Be it further enacted*, That the Interest arising from time to time on such monies, shall be annually, or oftener, if practicable, put out at interest, and secured in manner aforesaid, and also the interest accruing from the interest until a fund shall be accumulated on the sale of said real estate and the interest arising thereon, which shall yield yearly the sum of two hundred Dollars.

Fund to be  
finally applied  
to support  
of schools.

SEC. 9. *Be it further enacted*, That as soon as an interest to that amount shall accrue the Trustees shall forthwith apply the same towards the annual support of Public Schools in said town, and it shall never be in the power of said town, or trustees to alter, or alienate the appropriation of the fund aforesaid.

SEC. 10. *Be it further enacted*, That the Clerk of said Corporation shall be sworn previous to his entering on the duties of his office ; and the Treasurer of the Trustees shall give Bond faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the money which may come into his hands conformably to the true intent and meaning of this Act, and for all negligence and misconduct of any kind in his Office.

Clerk to be sworn and treasurer to give bond.

SECT. 11. *Be it further enacted*, That the Trustees or their Officers for the services they may perform, shall be entitled to no compensation out of any money arising from the fund aforesaid, but if entitled to any, shall have and receive the same of said town as may be mutually agreed upon.

Compensation of trustees.

SEC. 12. *Be it further enacted*, That the said Trustees and their Successors shall exhibit to the town at their annual meeting in March or April a regular and fair Statement of their doings.

Annual statement.

SEC. 13. *Be it further enacted*, That the said Trustees and each of them shall be responsible to the town for their personal negligence or misconduct, whether they be officers or not, and liable to a suit for any loss or damage arising thereby, the debt or damage recovered in such suit to be for the uses aforesaid.

Trustees responsible.

*Approved March 4, 1805.*

## 1804. — Chapter 70.

[January Session, ch. 24.]

AN ACT TO INCORPORATE A PART OF THE COUNTIES OF YORK & CUMBERLAND INTO A SEPERATE COUNTY BY THE NAME OF OXFORD.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Counties of York and Cumberland shall be divided by a line Beginning at a place called the crooked ripples, on Androskoggin River, at the South east corner of the town of Turner; from thence to run Westerly on the dividing line between the towns of Turner & Minot, to the most Northeasterly corner of said town of Minot; from thence Southwesterly on the line between the towns of Minot & Hebron, to the Southwesterly corner of said Hebron; thence Northwest-erly, on the line between the towns of Hebron & Otisfield, to the town of Norway; thence westerly and northerly,

Boundaries.

on the line between the towns of Otisfield and Norway, to the Southeasterly corner of the town of Waterford; thence westerly, on the line between said Waterford & Otisfield, to the Northeasterly corner of the town of Bridgetown, thence westerly, on the northerly line of said Bridgetown, to the northwest corner thereof; thence Southerly, on the westerly side line of said Bridgetown, to the Southwest corner thereof; thence westerly, on the North line of the town of Baldwin and Prescott's grant, to Saco River; thence down the middle of said Saco River, to the mouth of the River called the Great Ossapee, thence westerly, by a line drawn on the middle of the River last mentioned, to the line of the State of New Hampshire. And the Counties of York and Cumberland aforesaid be, and the same are hereby declared to be bounded Northerly by the line aforesaid.

Oxford Co.  
incorporated.

SEC. 2. *And be it further enacted*, That all and every part and parcel of the late Counties of York and Cumberland, situated on the northerly side of the line before described, and extending Northerly and Westerly, so as to comprehend all the Territory lying between the State of New Hampshire, and the County of Kennebeck, and on the northerly side of the dividing line aforesaid, excepting the towns of Wilton, Temple, Avon, & Township No. 3, on Sandy River, northerly of Avon, which towns shall be considered as belonging to the County of Kennebeck, shall be, and the same is hereby formed and erected into an entire and distinct County, by the name of Oxford, of which Paris shall be the Shire or County town: And the inhabitants of the said County of Oxford shall hold, possess, use, exercise and enjoy all the powers, rights, and immunities, which, by the Constitution & Laws of this Commonwealth, the inhabitants of any County within the same do hold, possess, use, exercise, enjoy, and are entitled to.

Terms of  
Courts, &c.

SEC. 3. *And be it further enacted*, That there shall be held & kept within the said County of Oxford a Court of General Sessions of the Peace, and a Court of Common Pleas, to sit at Paris aforesaid, on the second Tuesday of June and October yearly, and in every year, until the General Court shall otherwise order: And the Justices of the said Court of General Sessions of the Peace, and Court of Common Pleas, who shall be thereunto lawfully commissioned, shall have, hold, use, exercise, and enjoy,



all and singular the powers, which are by law given and granted to such Justices within any other County of this Commonwealth, where a Court of General Sessions of the Peace, and Court of Common Pleas are already established. And all appeals from any judgment or judgments given at any Courts of Common Pleas, within the said County of Oxford, shall be heard and tried at the Supreme Judicial Courts to be held at Portland, in the County of Cumberland.

SEC. 4. *And be it further enacted*, That the methods and proceedings, directed by Law, for choosing a County Treasurer, and Register of Deeds, & the modes and forms of proceeding, known and practised in bringing forward and trying Actions, Causes, pleas, or suits, and of originating and conducting legal processes of every kind, whether Civil or Criminal, in the Judicial Courts, established in the several Counties in this Commonwealth, and for choosing persons to serve as Jurors at said Court, shall be observed and put in practice, used & exercised within the said County of Oxford. *Provided however*, that the County Treasurer, and Register of Deeds for the said County of Oxford, shall, for the first time, Originate in the same manner, as is prescribed by Law where vacancies happen by death or resignation.

County Treas-  
urer, Register  
of Deeds, &c.

SEC. 5. *And be it further enacted*, That deeds, conveyances & transfers of real estate of every kind, which may happen or take place, prior to the appointment of a person for Register of deeds within and for said County of Oxford, and to his being qualified to discharge the duties of that Office, may be recorded in the respective offices of Registers of Deeds in and for the Counties of York and Cumberland, according to their late boundaries, and such Registering shall have the same effect and operation, as though recorded in the Registry of Deeds for the said County of Oxford.

Registering  
of deeds, &c.

SEC. 6. *And be it further enacted*, That the several towns, districts, and plantations, within the said County of Oxford, shall pay to the Treasurer of the Counties of York and Cumberland in the same manner they have paid previous to the passing of this Act, their due proportion of all County taxes, that shall have been granted, prior to the day when this Act shall begin to operate, and the Courts of General Sessions of the Peace, in and for the Counties of York & Cumberland, shall have the same

Provisions re-  
specting county  
taxes, debts &  
credits.

power and Authority to proceed with and assess upon all such towns, districts & plantations severally, their due proportion of all such taxes, which have been granted as aforesaid; And the Assessors of all such towns districts, & plantations, and the inhabitants thereof severally, shall be governed by, and subject to the same Laws of this Commonwealth, and held bound and obliged to perform the same duties, and be under the same penalties, with respect to assessing & paying all such taxes: And the Treasurers of the said Counties of York & Cumberland shall be, and hereby are directed & empowered to proceed in the same manner for the collection of such taxes, and shall have the same powers and authority to collect & levy the same by warrants of distress, in due form of Law, as if this Act had never passed. And all lawful precepts issued by the said Treasurers, for the said Counties of York and Cumberland, for the Collection or levying such taxes, directed to the proper Officer within and for the County of Oxford, shall be duly obeyed by such Officer, under the same penalty, and such Officer shall be liable to be proceeded with, for any default therein, in the same manner, as in like cases, where a similar default happens in any County within this Commonwealth, within and to which both said Treasurer and Officer belongs. And the said County of Oxford shall be held to pay their due and just proportion of all debts, that shall be due and owing from the said Counties of York and Cumberland on the day & time when this Act shall come into operation; And after the payment of such debts, shall be entitled to their due proportion of all money and credits, which may belong to the present Counties of York and Cumberland on the first day of April next; which settlement & adjustment of Accounts between the Counties aforesaid, shall be made & completed within one year from the day of passing this Act.

SEC. 7. *And be it further enacted*, That all actions & civil suits, of every kind, pending in the Courts of General Sessions of the Peace, and Courts of Common Pleas, which by law are to be holden at Portland, in & for the County of Cumberland, on the third Tuesday of June next; or at York, in & for the County of York, in the month of April next, or which shall be commenced or brought forward to have day, in either of said Courts last mentioned before a Clerk shall be duly appointed &

Provision re-  
specting suits  
which are  
pending.

qualified as such for said Courts, in and for the said County of Oxford, in which real estate shall be sued for, that is situated in the County of Oxford, or the original Plaintiff or Plaintiffs, petitioner or petitioners, one or more of them, reside in the County of Oxford, or in which the original plaintiff or plaintiffs, petitioner or petitioners do not live or reside within the present Counties of York and Cumberland, and the adverse party do live or reside within the County of Oxford, and all indictments and Criminal prosecutions of every kind, for offences committed within the County of Oxford, together with all recognizances, *Scire facias*, and suits wherein the Commonwealth are a party, and the adverse party live or reside within the County of Oxford, shall be transferred and removed to be heard, tried, and have day, entered and proceeded upon, in the said Courts of General Sessions, and Courts of Common Pleas respectively, which shall next be holden within and for the County of Oxford; and all papers and documents, belonging to such actions, suits, indictments, and Criminal prosecutions, filed in the office of the Clerk of said Courts last mentioned, for the Counties of York and Cumberland, shall be by them delivered over to the Clerk of the same Courts for the County of Oxford.

Provision  
respecting  
criminal prosecutions.

SEC. 8. *And be it further enacted*, that the towns & plantations within the said County of Oxford, in the voting for State Senators, and Federal Representatives, shall be considered as forming a part of their respective Districts, heretofore known by the names of York and Cumberland, any thing in this Act to the contrary notwithstanding; and that the Inhabitants thereof shall have and enjoy the same rights and privileges, with respect to the election of Senators, and Federal Representative as aforesaid, as if this Act had never passed, and all returns of votes for such Senators and Federal Representative, within the said County of Oxford, shall be made in the same manner, & under the same penalties, as is by law provided in other Counties within this Commonwealth.

Choice of senators and representatives in Congress.

*Approved March 4, 1805.*

## 1804. — Chapter 71.

[January Session, ch. 25.]

AN ACT TO SET OFF WILLIAM WILLCOX WITH HIS FAMILY AND ESTATE FROM THE TOWN OF DARTMOUTH IN THE COUNTY OF BRISTOL, AND TO ANNEX THEM TO THE TOWN OF WESTPORT.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Willcox with his family & estate, lying within the boundary line of the town of Westport, in the County of Bristol, and having been annexed to the town of Dartmouth, be and they are hereby set off from the town of Dartmouth and annexed to the said town of Westport. Provided nevertheless, that the said William Willcox shall be holden to pay all taxes assessed against him in the said town of Dartmouth, prior to the passing of this Act, in the same way and manner, he was before holden to pay the same, any thing in this Act to the contrary notwithstanding.*

*Approved March 4, 1805.*

## 1804. — Chapter 72.

[January Session, ch. 26.]

AN ACT PROVIDING FOR THE REMOVAL OF A TOLL GATE NOW STANDING IN GREENWICH ON THE SIXTH MASSACHUSETTS TURNPIKE ROAD.

*Be it enacted, by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Court of Common Pleas in the counties of Worcester and Hampshire, respectively, are hereby authorised at any Term thereof, at the request of said Turnpike Corporation, to appoint a Committee to locate and place the said Gate in such place on the said Road as they under all circumstances shall judge reasonable, said Committee to give public notice of the time and place of their meeting for the purpose aforesaid. — Provided nevertheless, that nothing in this Act shall be construed to prevent the Legislature at any time hereafter to direct the removal of said Gate to any other place whenever they shall judge it for the public benefit.*

*Approved March 4, 1805.*

1804. — Chapter 73.

[January Session, ch. 27.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO REGULATE THE PAVING OF STREETS IN THE TOWN OF BOSTON, AND FOR REMOVING OBSTRUCTIONS IN THE SAME."

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Selectmen of the Town of Boston for the time being, whenever in their opinion, the safety or convenience of the inhabitants of said Town shall require it, shall be, and they hereby are empowered to lay out any new Street, or to widen any Street, lane or alley of said Town, and for that purpose to take any land that may be required for the same, and to remove any building or buildings of what nature so ever; and the same Street, lane or alley being recorded in the Town's books shall be thereby established as such; and the owner or owners of the land or buildings that shall be so taken or removed, shall receive such recompence for the damages which he or they may thereby sustain, as the party interested and the Selectmen shall agree upon, to be paid by the Town, or the individual person or persons for whose use such Street, lane or alley is laid out or widened, or as shall be ordered by the Justices of the Court of General Sessions of the Peace, upon an enquiry into the same by a Jury to be summoned for that purpose, who shall be drawn out of the Jury Box of the Supreme Judicial Court of the town of Boston by the Selectmen of said Town, upon the application of the Sheriff of the County of Suffolk, & if by accident or challenge there should happen not to be a full Jury, said Officer shall fill the pannel de talibus circumstantibus, as in other cases; or by a special Committee if the parties agree thereunto.

*Approved March 4, 1805.*

1804. — Chapter 74.

[January Session, ch. 28.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE TOWNS OF PARIS AND NORWAY AS A RELIGIOUS SOCIETY, BY THE NAME OF THE FIRST INDEPENDENT UNIVERSALIST SOCIETY IN PARIS AND NORWAY.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that Samuel Ames, Levi Bartlett, Persons incorporated.

Josiah Bartlett, Anthony Bennett, Nathaniel Bennett, Josiah Bisco, Jonas Bisco, Peter Buck, James Buck, Jared M. Buck, Ebenezer Cobb, Elisha Cummings, Isaac Cummings, Noah Curtis Junr., Jacob Frost Junr., Joseph Gallison, Benjamin Herring, Benjamin Herring Junr., Levi Hubbard, John Knight, Daniel Knight, Dudley Pike, John Robinson, Joseph Rust, Henry Rust Junr., Samuel Smith, Daniel Staples, Elias Stowell, Daniel Stowell, William Stowell, Jacob Tubbs, Benjamin Tucker, Benjamin Witt and Charles Young, with their families and Estates, be and they are hereby incorporated into a Religious Society, by the name of the First Independent Universalist Society in Paris and Norway, with all the powers, privileges, and immunities to which other religious Societies are intitled, by the Constitution and Laws of this Commonwealth, for religious purposes only. *Provided however*, that all such persons shall be held to pay their proportion of all Monies assessed upon them for parochial purposes, in the towns to which they respectively belong, previous to the passing of this Act.

Corporate  
name.

Method of leav-  
ing one society  
& joining  
another.

SECT. 2. *And be it further enacted*, that any person belonging to the said towns of Paris and Norway, who may within one year from the passing of this Act, see cause to leave the society with which he or she has been connected, and shall desire to join with another religious Society in either of said towns, and shall give in his or her name to the Clerk of each of the said religious Societies, that he or she has united with, and actually become a member of such other religious Society, twenty days at least, previous to the annual Meeting of each of said Societies, and shall pay his or her proportion of all monies assessed in such society previous to his or her leaving the same, such person shall thereafter, with his or her polls and estate be considered as a member of the Society, with which he or she has so United.

First meeting.

SECT. 3d. *And be it further enacted*, that either of the Justices of the Peace, for the County of Cumberland be, and he is hereby empowered to issue a warrant, directed to some member of the said Universalist Society, requiring him to notify and warn the members thereof, in the said towns of Paris and Norway, to meet at such convenient time and place, as shall be appointed in said Warrant, to choose all such Officers, as parishes are by law entitled to choose in the Month of March or April annually.

*Approved March 4, 1805.*

1804. — Chapter 75.

[January Session, ch. 29.]

AN ACT INCORPORATING CERTAIN PERSONS IN THE TOWNS OF LENOX, LEE, STOCKBRIDGE AND PITTSFIELD IN THE COUNTY OF BERKSHIRE, BY THE NAME OF THE PROTESTANT EPISCOPAL SOCIETY OF LENOX.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Azariah Eggleston, Samuel Quincy, Thaddeus Thompson, John Gregory, Edward Martindale, Samuel Dunbar, Elijah Treat, David Dunbar, Selah Cook, Stephen Root, James Smith, Henry Huxford junior, John Hill, John Tyler, David Smith, Titus Parker, John Willard, Amasa Glezen, Daniel Dunbar, Moses Hall, Samuel Wright, Eleazer Phelps, Samuel Collins, William Wells, Joseph Presby, Jonathan Thompson, and Moses Geer, of Lenox, Jesse Bradley, John Freese, Stephen Couch, Jared Bradley, Isaac Howk, John Howk, John Freese Junr., George Bennet, Matthew Vandusen, Matthew Vandusen Junior, and Abraham Howk, of Lee; Phineas Pease, John Cooper, Joseph Rich, Ozias Judd, Oliver Collins Junr., John Collins, and Daniel Folliot, of Stockbridge; and Tertullus Hubby and Henry Van Schaack, of Pittsfield, in the County of Berkshire, together with their families, polls & estates, and such persons as may within one Year from the passing of this Act, join them in the manner herein provided, be, and they hereby are incorporated into a religious society by the name of the Protestant Episcopal Society of Lenox, with all the privileges & immunities incident to other religious Societies in this Commonwealth.

Persons incorporated.

Corporate name.

SECT. 2D. *Be it further enacted,* That any person residing in either of the said towns of Lenox, Lee, Stockbridge, or Pittsfield, being of the Episcopal denomination, and who shall unite in Religious Worship with the said Society, and shall leave a Certificate, signed by the Minister, or Clerk thereof, with the Clerk of the Town to which he belongs, at any time within One Year from the passing of this Act, that he is regularly attendant upon public worship in the said Society; and shall also lodge a notification in writing under his hand, in the office of the Clerk of the said Episcopal Society, signifying his having

Method of joining the society.

joined the same, such person shall from and after leaving such certificate, and lodging such notification as aforesaid, be considered, to all intents and purposes, together with his family, polls and estate, as belonging to the said Episcopal Society. *Provided, however,* that such person shall be liable to pay his proportion of all assessments which may have been duly and legally made upon the town to which he belongs, prior to his joining the said Society.

Provision re-  
specting taxes,  
&c.

SECT. 3D. *Be it further enacted,* That the persons so constituting the said Episcopal Society, with their families & Estates, shall be wholly exempt from any and all assessments, other than those legally imposed by the said Society, except as before provided, for any religious purpose whatever; that they shall be subject to the assessment and collection of all taxes legally granted and agreed upon by the said Society; that it shall be lawful for the Assessors and Collectors of the said Society, for the time being, respectively, to assess and collect the same, that it shall be the duty of the said Collectors, or other warning Officers of the said Society to warn the said persons, to attend all Society meetings; and that the said persons shall enjoy all the privileges and immunities, and be subject to all the duties and restrictions incident to other religious Societies in this Commonwealth.

First meeting.

SECT. 4. *Be it further enacted,* That Azariah Eggleston Esqr. be, and he hereby is authorized and empowered to issue his warrant, directed to some suitable member of the said Society, requiring him to warn all the members thereof to meet at some suitable place, some time in the Month of March or April next, to be therein expressed, to choose all Such Society Officers as parishes are allowed annually to choose.

*Approved March 4, 1805.*

## 1804. — Chapter 76.

[January Session, ch. 30.]

### AN ACT TO ESTABLISH THE DORCHESTER TURNPIKE CORPORATION.

Preamble.

*Whereas a Turnpike road from Milton Bridge, through Dorchester to Nook point (so called) in Boston, will materially shorten the distance in travelling from the Southerly part of this Commonwealth to the Metropolis, and will be of great public convenience, and utility, and Paul Lambert,*



*Samuel Cabot and others, having petitioned this Court for an Act of Incorporation to impower them to lay out and make said road.*

SECT. 1ST. *Be it therefore enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same* that Paul Lambert, Samuel Cabot, John Swift, and Stephen Badlam, while they remain proprietors, and all such as are, or may hereafter become proprietors, and their associates, and successors be, and they hereby are constituted a Corporation by the name of the Dorchester Turnpike Corporation, and by that name to sue and be sued, to final Judgment and execution; and do, and suffer all other Acts and things, which bodies politic, may or ought to do and suffer. And said Corporation shall have full power and authority to make and use a common seal, and the same to break alter and renew at pleasure, and also to choose a Clerk who shall be under Oath for the faithfull discharge of his duty, and such other Officers as they may think necessary for the Government of said Corporation: And also to agree upon the Method of calling future meetings, and to establish such Rules and Regulations, for the well ordering the affairs of said Corporation as they may find expedient, provided the same are not repugnant to the Constitution and Laws of this Commonwealth, with full power also to lay out, make and keep in repair, said Turnpike road, from the Bridge (over Neponsit River) commonly called Milton Bridge in the County of Norfolk to Nook point (so called) in Boston in the County of Suffolk, the Easterly side of which road shall begin near the Westerly Corner of the House of John Preston in said Dorchester, and run North about Seventeen and one half degrees East, to the West Corner of the Brick house of Samuel Clap Junior by the lower Road (so called) and continuing the same course by or near a place called Glover's Wharfe, untill it intersects the line next mentioned; which shall begin at the easterly side of Dorchester Street (so called) which is laid out and established by the Selectmen of Boston within said town, and run South, about seven degrees west to a stake, five rods east of Jonathan Davis' stable which is near his new House, and continuing the same course untill it intersects the line first mentioned; which road shall be sixty feet wide westerly of said lines and the travelling path not less than twenty eight feet wide.

Persons incorporated.

Corporate name.

Course of the road.

Gate to be  
erected.

Rates of toll.

Toll may be  
commuted.

Exemptions.

Committee to  
lay out road.

And the said Corporation shall have power to extend the width over the marshes, two rods in addition to said road, for the purpose of making Canals, where the same may be necessary. And when said Turnpike road shall be accepted and approved and Certified by the Court of General Sessions of the Peace, in and for the County of Norfolk, or by a Committee of three persons, appointed by said Court to be sufficiently made, the said Corporation shall be authoris'd to erect a Turnpike Gate on said Road, in said Dorchester in the most convenient place, and shall be entitled to demand, and receive from passengers the following Rates of Toll, Vizt. For each Coach or other riding Carriage with four wheels sixteen Cents. For each Chaise, Chair, or Sulkey drawn by one Beast, eight Cents. For each Cart, waggon, sled or sleigh drawn by more than one Beast eight Cents. For each Cart, Waggon, Sled or Sleigh drawn by one Beast Six Cents. For each person and Horse four Cents. For each Horse or Ox, or other large Beast exclusive of those in Teams or Carriages One Cent. For Sheep or Swine at the rate of three Cents per dozen, *provided however* that the said Corporation, may if they see fit, commute the rate of toll with any person, or the Inhabitants of any Town, by taking of them a certain sum, monthly, or annually, to be mutually agreed upon, in lieu of the toll aforesaid. Or the said Corporation may if they find it expedient, erect two toll Gates in the most convenient places, on said Turnpike road, and take half of the aforesaid rates of toll at each Gate. *Provided* that no turnpike Gate shall be hereafter erected on the present travelled road, *And provided also* that no toll shall be taken of any person passing said Road, when on Military Duty, nor for any Beasts, Carts, Carriages, or Baggage employed on such duty, nor of any person belonging to said town of Dorchester unless they pass out of the same, or are returning, after having been to some other Town. *Provided also* that not more than half the rate of toll beforementioned, shall be paid for any Cart or Waggon the felloes of the wheels of which shall not be less than Six Inches Broad. And the said Corporation shall, at the places where the toll may be collected, erect, and keep constantly in Public View a Sign, or Board with the rates of toll, of all the tollable articles, fairly written in large or Capital Characters.

SECT. 2D. *And be it further enacted*, that the said Corporation may purchase and hold Real Estate, adjacent

to, and for the accommodation of said Road, to the amount of fifteen thousand Dollars. And the Justices of the Court of General Sessions of the peace in and for the County of Norfolk, at any term of said Court, are hereby authorised on application of said Corporation, to appoint a Committee of three disinterested Frecholders, within the same County, to lay out said Road, and the Canals, in the courses and directions aforesaid and estimate the damages, who may alter the same, or any part thereof, with the consent of said Corporation, if they find it expedient, making the same, as near on a streight line as circumstances will permit. And the said Corporation shall have power to take such lands as shall be necessary to make said Turnpike road, and shall be liable to pay all damages which may arise to any person by taking his or her land for said road (when the same cannot be obtain'd by voluntary agreement,) to be estimated by said Committee to be appointed by the Court of General Sessions of the peace, as aforesaid. And no lands shall be taken, untill the damages for the same, shall be duly estimated by said Committee, or agreed to by the parties, saving to either party, the right of trial by Jury, or by a new Committee (if the parties consent thereto) according to the Law which makes provision for the recovery of damages arising from laying out highways.

Corporation to be liable for damages where land is taken without agreement.

SECT. 3D. *And be it further enacted*, that if said Corporation, their tollgatherer, or others in the employ of said Corporation shall unreasonably delay, or hinder any passenger, or traveller at said gate, or gates, or shall demand, or receive more toll than is by this act established, the Corporation shall forfeit and pay a Sum not exceeding ten dollars, nor less than one dollar, to be recovered before any Justice of the peace in the County of Norfolk, by any person injured, delay'd or defrauded; in a special action on the Case, the writ in which case, shall be served on said Corporation by leaving a Copy of the same with their Treasurer, or with some individual member of the Corporation living within the County aforesaid, or by reading the Contents thereof to the said Treasurer, or individual member aforesaid, who shall be allowed to defend the same suit in behalf of said Corporation, and the said Corporation shall be liable to pay all damages which shall happen to any person from whom toll by this Act is demandable, for any injury which may arise from defect of Bridges, or want of repairs within the

Penalty for delaying passengers or exacting illegal toll.

same road, and shall also be liable to a fine on presentment of the Grand Jury, for not keeping the same, or the Bridges thereon in good repair.

Penalty for injuring the road or gates.

SECT. 4. *And be it further enacted*, that if any person shall cut, break down, or otherwise injure or destroy either of the said Turnpike Gates, or shall dig up, or carry away any earth from the said Road, or in any manner, damage the same or attempt to pass by force, without first paying the legal toll at said Gate, or Gates, such person shall forfeit and pay a fine not exceeding fifty Dollars, nor less than two Dollars, to be recovered by the Treasurer of the Corporation, to their use, in an action of trespass. And if any person, liable to pay toll, shall turn out of said road, with his team, cattle, Carriage, or horse to pass the said Turnpike gate, on a road, lane or ground adjacent thereto, and again enter on said Turnpike road, or keep out of the same, with intent to avoid the toll due by virtue of this Act, such person shall forfeit and pay one dollar, to be recovered by the Treasurer of the said Corporation, to the use thereof on an action of debt, reserving to all persons, a right to travel on the public, or town roads already laid out, in the same manner as if the said turnpike road had not been made.

Penalty for evading toll.

Shares to be considered personal estate.

SECT. 5. *And be it further enacted*, that the shares of the individuals in the said Turnpike road, shall be taken, deem'd and considered to be personal estate to all intents and purposes, & shall and may be transferable by deed acknowledged before any Justice of the peace, and recorded by the Clerk of the said Corporation, in a book to be kept for that purpose. And when any of the said shares shall be attached on mesne process, or taken in execution, an attested Copy of such writ of attachment, or execution shall be left with the Clerk of the said Corporation, otherwise, such attachment or taking in execution shall be void; And such shares may be sold on execution in the same manner as is, or may by Law be provided, for the sale of personal property by execution. And the Officer making the sale, or the Judgment Creditor, shall leave a Copy of the execution, and the officers return on the same with the Clerk of the said Corporation, within ten days after such sale, and pay for recording thereof shall be a sufficient transfer of the same.

Shares may be sold on execution.

First meeting.

SECT. 6. *And be it further enacted* that a meeting of the said Corporation shall be held at Oliver Wyman's,

Bunch of Grapes Tavern, Boston, on the second Monday of March next, for the purpose of choosing a Clerk and such other Officers as may then and there be agreed upon by the said Corporation, for regulating the concerns thereof, (in all Cases counting and allowing one vote to each single share) *provided, however* that no person shall have more than ten Votes. And all representations at any meeting shall be proved in writing, signed by the person making the same, which shall be fil'd with and recorded by the Clerk; And this Act, and all rules, regulations & votes of the said Corporation shall be fairly and truly recorded by the said Clerk in a book, or books to be provided and kept for that purpose.

SECT. 7. *And be it further enacted*, that said Corporation within six months after the said Road is completed, shall lodge in the Secretarys Office an Account of the expences thereof; and shall annually exhibit to the Governor and Council, a true Account of Dividends, or income arising from the said toll, with their necessary annual disbursements on the said road. And the Books of the said Corporation shall at all times be subject to the Inspection of a Committee to be appointed by the General Court, or to the Inspection of the Governor and Council when called for.

Account of cost of road and annual statements to be made.

SECT. 8. *And be it further enacted*, that whenever any proprietor shall neglect or refuse to pay any tax or assessment duly Voted and agreed upon by said Corporation, to their Treasurer within thirty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorised to sell at public Auction, the Share, or Shares of such delinquent proprietor, one or more, as may be sufficient to defray said taxes and necessary incidental charges, after duly notifying in some paper printed in Boston, the sum due on any shares, and the time and place of Sale, at least twenty days previous to the time of Sale. And such sale shall be a sufficient transfer of the share, or shares thus sold, to the person purchasing. And on producing a Certificate of such sale from the Treasurer, to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk, entered on the Book of the said Corporation, and such persons shall be considered to all intents and purposes, the proprietor thereof; and the overplus (if any there be,) shall be paid on demand by

Shares of delinquents may be sold.

the Treasurer, to the person whose shares were thus sold.

Corporation  
may be dis-  
solved when  
indemnified  
with interest.

SECT. 9. *And be it further enacted*, that the General Court may dissolve the said Corporation whenever it shall appear to their satisfaction that the income arising from said toll shall have fully compensated the said Corporation for all Monies they may have expended in purchasing, making, repairing and taking care of said road together with an Interest thereon, at the rate of twelve per centum by the Year. And thereupon the property of the said Road, shall be vested in this Commonwealth and be at their disposal. *Provided*, that if the said Corporation, shall neglect to complete the said Turnpike road for the space of three Years, from the passing of this Act, the same shall become void and of no effect.

Corporation  
allowed to  
grant monies,  
&c.

SECT. 10. *And be it further enacted*, that the said Corporation, is hereby allowed to grant monies to such persons as have rendered services to the proprietors in exploring the rout of the Turnpike road, or otherwise, previous to this Act of incorporation, or to such persons as have advanced Monies to pay any expences which may have already accrued. And shall also have full power and authority to make, and from time to time repair Dorchester street (so called) within the town of Boston, laid out by the Selectmen of said town, by consent of said Selectmen first had and obtain'd and under their direction to accomodate the travel, to and from said Turnpike road, in such manner as they may find necessary. And also to repair the old road as the same is now laid out, from John Prestons aforesaid to said Milton Bridge; with the consent and under the direction of the Selectmen of Dorechester. *Approved March 4, 1805.*

## 1804. — Chapter 77.

[January Session, ch. 31.]

AN ACT TO AUTHORISE THE CAMBRIDGE AND CONCORD TURNPIKE CORPORATION TO MAKE A ROAD FROM THE TERMINATION OF THEIR TURNPIKE TO THE CAUSWAY OF WEST BOSTON BRIDGE.

Course of new  
road.

SEC. 1. *Be it enacted, by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That the Cambridge & Concord Turnpike Corporation, be and hereby is authorised to

make a road from the present termination of the Cambridge and Concord Turnpike road, near to the House of Jonas Wyeth in Cambridge to the Causway of West Boston bridge, near the House of Royal Makepeace, as nearly in a Straight line from such part of Cambridge Common, not approaching nearer than ninety feet to any part of a new building lately erected by the Corporation of Harvard College without the consent of that Corporation, proceeding in a line not nearer than a line parallel to the north end of said new building, at the said distance, until it meets the East line of the College land, as a Committee appointed by the Governor and Council, shall with due regard to public and private accommodation direct; and which said Committee is hereby authorised and directed to locate the same road accordingly: which road shall not be less than three rods wide in that part thereof, which is westerly of Cambridge Common, nor less than four rods wide, in that part which is Easterly of the said Common, and the part to be travelled on, not less than forty feet in any place. *Provided nevertheless*, that the proprietors of the Marshes near West Boston bridge, over which the same road may be made, shall have the right to make a Canal or Dock Crossing the said road in any part of said Marshes, they making a suitable bridge over the same.

Committee to  
locate the road.

SEC. 2. *Be it further enacted*, That the said Corporation may purchase and hold land over which they may make said road. And the said Corporation, shall be liable to pay all damages which shall arise to any person, by taking his or her land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace, in the County of Middlesex; saving to either party the right of trial by Jury, according to the Law which provides for the recovery of damages, arising from the laying out of highways. *Provided however*, that no gate shall be erected on said road: and *Provided also*, that if the said Corporation shall neglect to complete the said road for the space of three years from the passing of this Act, the same shall be void and of no effect.

Corporation to  
be liable for  
damages where  
land is taken  
without agree-  
ment.

*Approved March 8, 1805.*

## 1804. — Chapter 78.

[January Session, ch. 32.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO INCORPORATE SUNDRY PERSONS, BY THE NAME OF THE PRESIDENT, DIRECTORS, & COMPANY OF THE MAINE BANK."

Bank not to  
issue bills for  
more than twice  
amount of  
capital.

SEC. 1. *Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the third section of an Act, passed the twenty third day of June, in the year of Our Lord one thousand eight hundred & two, entitled, "An Act to incorporate sundry persons, by the name of The President, Directors, and Company of the Maine Bank," as enacts and provides, "that the said Corporation shall not owe at any one time, more than twice the amount of gold and Silver, actually in their vaults," be and the same is hereby repealed: and hereafter the said Corporation shall not issue and have in circulation, at any one time, bills, notes, or obligations, to a greater amount, then twice the capital stock actually paid in.

Directors.

SEC. 2. *And be it further enacted,* That instead of Six, not less than five Directors of the aforesaid Corporation shall constitute a Board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose a chairman in his stead.

*Approved March 8, 1805.*

## 1804. — Chapter 79.

[January Session, ch. 33.]

AN ACT MAKING A TEMPORARY ALTERATION IN THE TOLL TO BE RECEIVED BY "THE PROPRIETORS OF THE LOCKS AND CANALS ON CONNECTICUT RIVER."

Preamble.

*Whereas in and by the Act whereby the said proprietors were incorporated, there was granted to said proprietors, for the purpose of reimbursing to them their expences in the works then to be made and supported, a toll according to the following rates to wit, for every ton weight, transported in boats or other vessels through the Locks, & Canals, between the mouth of Chickapee river in Springfield, and the mouth of stoney Brook in South Hadley the sum of four shillings and sixpence; for every thou-*



*sand feet of boards, passing through the same locks and Canals, the sum of four shillings and sixpence; for plank and square Timber, in proportion to the rate last mentioned, and for all other Lumber floated on rafts or otherwise through the same Locks and Canals in the same proportion; and every boat or other vessel passing through the same locks and Canals, at the rate of one shilling for every ton burthen, it is Capable of Conveying whether the same is loaded or not, and whereas it appears that the said rate of toll is at present incompetent to the purpose for which it was granted, therefore*

*Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, That for the term of seven years from and after the passing of this Act, the said proprietors, in lieu of the toll aforesaid, be and hereby are authorised to demand and recieve a toll according to the rates following, to wit, for every ton weight, transported in boats or other Vessels, through said Locks and Canals, the sum of Ninety Cents; for every thousand feet of boards, the sum of Ninety Cents; for plank and square Timber, in proportion to the rate last mentioned, and for all other Lumber floated on rafts or otherwise through the same Locks and Canals, in the same proportion, and for every boat or other Vessel passing through the same Locks and Canals at the rate of seventeen Cents for every ton burthen, it is Capable of conveying, whether it is loaded or not.*

Temporary toll established.

*Approved March 8, 1805.*

## 1804. — Chapter 80.

[January Session, ch. 34.]

AN ACT TO INCORPORATE THE NORTHWESTERLY PART OF THE TOWN OF OTISFIELD, AND THE EASTERLY PART OF THE TOWN OF BRIDGTON IN THE COUNTY OF CUMBERLAND INTO A SEPERATE TOWN BY THE NAME OF HARRISON.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the tract of Land described within the following bounds, vizt. Beginning at a White pine tree, marked and standing in the Northwesterly corner of said Otisfield, from thence running north Sixty five degrees east One thousand two hundred and Ninety*

Harrison incorporated.

six rods to the North east corner thereof, from thence South twenty five degrees east four hundred and fifty six rods, to a Stake and Stones, from thence North Sixty five degrees east about fifteen rods to crooked River, from thence Southerly down the middle of said River until a line drawn South sixty five degrees west from the middle of said River will strike the Southeasterly corner of the town of Bridgton, thence from said corner South Sixty five degrees west Six hundred and eighty rods to the easterly side of long Pond, from thence Northerly by the easterly shore of said Pond to a Pitch Pine tree standing in the Northwest corner of James Sampson's lot, from thence North Sixty five degrees east one hundred and forty rods to the line between Bridgton and Otisfield, from thence North twenty five degrees west Five hundred and thirty rods to the place of beginning, with the inhabitants thereon, be, and they are hereby incorporated into a Town by the name of Harrison.

Provision re-  
specting debts  
and property.

SEC. 2. *And be it further enacted*, That the said town of Harrison shall pay all arrears of Taxes, which have been assessed upon them, together with their proportion of all debts which may be due and owing by either of said towns of Otisfield and Bridgton, prior to the date of this Act; And that all property, rights & Credits of said Towns of Otisfield and Bridgton, shall be received and enjoyed by the said town of Harrison according to their proportion of the Taxes of said towns of Otisfield and Bridgton, as assessed in the last Tax Bills.

Provision re-  
specting taxes.

SEC. 3. *And be it further enacted*, That of all State and County taxes, which shall be levied and required of said towns of Otisfield and Bridgton, previous to a new Valuation, the said town of Harrison, shall pay twenty Cents on the One thousand dollars; thirteen Cents, whereof shall be deducted from the sum now Charged to the town of Otisfield; and the remaining Seven Cents shall be deducted from the Sum now charged to the town of Bridgton.

First meeting.

SEC. 4. *And be it further enacted*, That Enoch Perley Esqr., be, and he hereby is authorised to issue his warrant, directed to some suitable inhabitant of said town of Harrison, requiring him to notify and warn the Inhabitants of said Town, who are qualified by law to vote in Town Affairs, to meet at such time and place as shall be expressed in said Warrant, to choose all such Officers as

other Towns within this Commonwealth are required by law to choose in the Months of March or April annually; And the Officers so chosen shall be qualified as other Town Officers are.

*Approved March 8, 1805.*

## 1804. — Chapter 81.

[January Session, ch. 35.]

AN ACT TO PROVIDE FOR THE PROOF OF FIRE ARMS MANUFACTURED WITHIN THIS COMMONWEALTH.

*Whereas no provision hath been made by law for the proof of Fire Arms manufactured in this Commonwealth by which it is apprehended that many may be introduced into use which are unsafe and thereby the lives of the Citizens be exposed, to prevent which*

Preamble.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same* That the Governor by and with the advice and consent of the Council be and he hereby is empowered to appoint in any part of this Commonwealth where the Manufacture of fire Arms is carried on, suitable persons to be provers of fire arms not exceeding two in any County who shall be sworn to the faithful discharge of their trust, whose duty it shall be to prove all Musket Barrels and Pistol barrels which being sufficiently ground bored and breeched shall be offered to him to be proved — who shall prove the Musket barrels twice in manner following vizt. first with a charge consisting of one eighteenth part of a pound of Powder, one ounce of which in a five & an half inch Howitz at an elevation of forty five degrees will carry a twenty four pound shot, eighty Yards — with a ball suited to the bore of the barrel — the second proof to be with a charge consisting of one twenty second part of the same powder with a ball suited to the bore of the barrel, and shall prove the pistol barrels once with a charge consisting of one twenty second part of a pound of Powder, one ounce of which in a five and half inch Howitz at an elevation of forty five degrees, will carry a twenty four pound shot seventy Yards, with a ball suited to the bore of the barrel — which said powder and ball it shall be the duty of the prover to provide — And if the said musket and pistol barrels shall stand the proof aforesaid and shall in no respect fail, then it shall be the duty of the said prover to

Provers of fire-arms to be appointed.

Method of proving.

Proof marks

stamp the same on the upper side and within one and an half inches of the breech of said barrels with a stamp consisting of the initial letters of the provers name & over those letters the letter P. also in the line of the said initial letters and further up said barrel the figures designating the Year of our Lord in which the proof is made and over the said figures the letter M. which said letters and figures shall be so deeply impressed on said barrel as that the same cannot be erased or disfigured and shall

be in the form following <sup>P</sup>AB <sup>M</sup>1805 and when any barrels shall burst or shall in any manner fail in the proving as aforesaid so that in the opinion of the prover they are unfit for use they shall not be stamped but the said prover shall suffer the owner to take them away — & any prover so proving musket or pistol barrels as aforesaid shall be entitled to receive from the owner for each musket barrel thirty three Cents, and for each pistol barrel twenty five Cents, whether the same stand proof and are Stamped or not.

Fees.

Penalty for  
not having  
arms proved.

SEC. 2D. *And be it further enacted*, that if any person after the first day of June next shall manufacture within this Commonwealth any musket or pistol without having the barrels proved and stamped as aforesaid, except such as are or may be Manufactured in the Armory of the United States, or in fulfilment of some contract made and entered into or that may hereafter be made and entered into for the Manufacturing of fire arms for the United States, shall forfeit and pay for every such Musket or pistol the sum of ten dollars to be recovered in an action of Debt before any Court proper to try the same by any person who shall sue for and recover the same to his own use.

Penalty for  
selling or buy-  
ing arms not  
proved.

SEC. 3D. *And be it further enacted* that if any person after the said first day of June next, shall sell and deliver or shall knowingly purchase any Musket or Pistol which shall have been manufactured within this Commonwealth after the said first day of June next, which shall not have the marks of proof above required the person so selling and the person so purchasing, shall each forfeit the sum of Ten Dollars, to be recovered by action of debt before any Court proper to try the same to the use of any person who shall sue for and recover the same.

Penalty for  
forging stamp.

SEC. 4TH. *And be it further enacted*, that if any person, shall falsely forge or alter the stamp of any prover

of Fire arms, so appointed as aforesaid impressed on any musket or Pistol Barrel pursuant to this Act, and be convicted thereof before the Supreme Judicial Court he shall be punished by fine not exceeding Fifty Dollars nor less than twenty dollars, according to the nature and aggravation of the offence.

*Approved March 8, 1805.*

## 1804. — Chapter 82.

[January Session, ch. 26.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS IN THE TOWN OF LIMINGTON, IN THE COUNTY OF YORK, INTO A SEPERATE RELIGIOUS SOCIETY, BY THE NAME OF THE FIRST BAPTIST SOCIETY IN LIMINGTON.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Ebenezer Clarke, James Marrs, Solomon Stone, William Chick, Barzillai Small, Nathaniel Clark, Paul Gray, James Sawyer, John Gray, Ebenezer Sawyer, Jeremiah Small, Lemuel Sawyer, Peter Chick, James Small, Daniel Rounds, Amos Chase, Robert Hooper, David Nason, Jonathan Nason, Daniel Small, Frethe Spencer, John Lord, John Sutton, Stephen Weber, George Stone, James Lord, John Andrews, John Finnix, Enoch Nason, Nathaniel Adams, Benjamin Norton, Edward Norton, John Greenlaw, Amos Thompson, Joseph Sawyer, William Sawyer, Ebenezer Walker, William Wentworth, Hurd Hubbard, James Heard, Joshua Durgon, Levi Cole, William Manning, George Finnix, Isaac Small, Ezekiel Small, Jacob Small, Josiah Chase, Thomas Spencer, Abraham Parker, Amos Chase Junior, Nathan Chick, and Jonathan Nason Junior, members of said Religious Society, with their polls and estates, be, and they are hereby incorporated by the name of the First Baptist Society in Limington, with all the privileges and immunities which parishes or Religious Societies in this Commonwealth are by Law intitled to, *provided however,* that all such persons, shall be holden to pay their proportion of all Monies assessed in said town of Limington for Parochial purposes, previous to the passing of this Act.

Persons incorporated.

Corporate name.

SEC. 2D. *And be it further enacted,* that any person in said town of Limington who may at any time within one year from the passing of this Act, actually become a Member of, and unite in religious worship with the said

Method of joining the society.

first Baptist Society, and give in his or her name to the Clerk of the said town of Limington with a certificate signed by the Minister, or Clerk of the said first Baptist Society, that he or she hath actually become a member of, and united in religious Worship with the said first Baptist Society, fourteen days previous to the town or Parish Meeting to be holden in the months of March or April; shall, from and after giving such Certificate, be considered, with his or her polls and estates, as belonging to said first Baptist Society — *provided however*, that all such persons shall be holden to pay their proportion of, Monies assessed in the town or parish to which they belonged previous to that time.

Method of leaving the society.

SEC. 3D. *And be it further enacted*, that if any member of said first Baptist Society shall within one year from the passing of this act, see cause or be inclined to leave said society, and join in Religious worship with any other Religious Society in the town or Parish in which he or she may live, and shall give in his or her name to the Clerk of the first Baptist Society aforesaid, signed by the Minister or Clerk of the parish or other Incorporated Society, with which he or she may unite, that he, or she hath actually become a member of, and united in religious worship with such other parish, or other incorporate Religious Society, fourteen days previous to their Annual Meeting in March or April, and shall pay his or her proportion of all monies voted in said Society to be raised previous thereto, shall, from and after giving such certificate, with his or her polls and estate be considered as a member of the Society to which he or she may unite.

First meeting.

SEC. 4. *And be it further enacted*, that any Justice of the peace in the County of York, be, and he is hereby authorized to issue his Warrant, directed to some suitable member of said Society, requesting him to warn the members of said Society, qualified to Vote in parish affairs to assemble at some suitable time and place in said town of Limington, to choose such parish Officers as are by law required to be chosen in the Months of March or April annually, and to transact all other matters and things necessary to be done in said Society.

*Approved March 8, 1805.*

1804. — Chapter 83.

[January Session, ch. 37.]

AN ACT DIRECTING THE MODE OF ATTACHING ON MESNE PROCESS, AND SELLING BY EXECUTION, SHARES OF DEBTORS IN INCORPORATED COMPANIES.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Share or Shares or interest of any person in any Turnpike, Bridge, Canal, or other Company, which heretofore has been or hereafter may be incorporated by the Legislature of this Commonwealth, with all the rights and privileges appertaining to such Shares, may be attached on Mesne process and taken on Execution; and when any such Shares or interest shall be attached on Mesne process, or taken on execution with out such previous Attachment, an Attested Copy or Copies, of such writ of attachment or execution, shall, by the Officer holding the same, be left with the Clerk & Treasurer or Cashier of such Company; & so many of said Shares or so much of said interest may be sold on said execution, at public Vendue, to the highest bidder, as shall be sufficient to satisfy the same, and the charges of the sale, after notice shall have been given of the time and place of sale in manner as herein after provided; and in case the Officer making the sale, or the purchaser or purchasers of any such shares or interest, do cause an attested Copy or Copies of such Execution, & the Officer's return thereon, to be left with such Clerk & Treasurer or Cashier, within fourteen days after the sale is compleated, and pay for the recording of the same, such purchaser or purchasers shall be thereby entitled to such shares and interest with all the privileges appertaining thereto, and the income and dividends which may have accrued or been made on the same subsequent to the attachment thereof on Mesne process; and it shall be the duty of the proper Officer or Officers of such Corporation to issue to the purchaser or purchasers, under such execution, such Certificates, as, by the by-laws and regulations of such Corporation, are the evidences of the Shares or interest of a Proprietor in such Corporation.

Corporation shares may be attached on mesne process, taken in execution, and sold.

SEC. 2. *Be it further enacted,* That an attachment of such Shares or interest on mesne process shall hold the

Attached shares to be held till 30 days after judgment.

same, and also all dividends growing due after such attachment, to respond the final Judgment which may be rendered thereon, until the expiration of thirty days after the rendition of such Judgment; and in case the same are not, within that time, taken by execution on such Judgment, the shares, interests, or dividends so attached as aforesaid, shall no longer be holden thereby; and an attested Copy or Copies of the execution, left with the Clerk and Treasurer, or Cashier of the Corporation, and an Advertizement of the time and place of Sale, being once published within said thirty days, shall be deemed a taking such shares or interests in execution, pursuant to the attachment on the original Writ.

Notices of sales  
of shares.

SEC. 3. *Be it further enacted*, That in making Sale of any such shares or interest, the Officer holding the execution shall give notice in writing of the time and place of Sale to the Judgment Debtor, by leaving the same at his last & usual place of abode, if within the County in which the said Officer dwells, and public Notice of the said time & place of sale, by posting up notifications thereof, in one or more public places in the town, district, or plantation, where such sale is to be made, and also in one or more public places in the two adjoining towns, thirty days, at least, before the time of Sale; and further shall cause an advertizement, expressing the time and place of sale, and against whom such execution shall have issued on which such Shares or interests have been taken, to be published, three weeks successively before the day of Sale, in some public News-paper printed in the County where the sale is to be made, if any such be therein printed, and in case no such paper is therein printed, then such advertisement shall be published in some public Newspaper in the nearest County wherein a Newspaper shall be published; and in Case the Judgment debtor, has at no time resided, or does not then dwell in such County, the posting up such notifications and publishing such advertisements in manner aforesaid, shall be deemed sufficient notice of such sale: And in case the Shares or interest so notified for Sale, shall not, for want of purchasers, be disposed of at the time appointed for Sale, the Officer shall adjourn the sale for a time, not exceeding three days, and so from time to time, until the sale shall be compleated; and the surplus monies (if any there be) arising from such sale, beyond satisfying the contents

Disposal of  
surplus money.



of the execution and necessary intervening charges, the Officer shall pay the debtor, or deposit the same with the Treasurer or Cashier of the Corporation for the benefit of the debtor, and subject to his order.

SEC. 4. *Be it further enacted*, That whenever an Officer, having a Writ of Attachment or execution against any person interested in any such Company, shall exhibit to the Clerk or Cashier thereof such Writ or execution, and request a Certificate from him of the number of Shares or amount of interest owned by the debtor in such Company, it shall be the duty of such Clerk or Cashier, to give the said Officer a Certificate of the number of Shares or amount of interest holden and owned by the debtor in such Company, and therein express the numbers or other marks by which such Shares or interest are distinguished; and in case such Clerk or Cashier shall refuse to make and deliver to the Officer such Certificate, or shall wilfully make and deliver a false Certificate thereof, such Clerk or Cashier shall be liable to pay to the Creditor the full contents of such execution, and the contents of the Judgment which may be recovered by the Plaintiff in such Writ of Attachment, and the same may be recovered by the Judgment Creditor in an Action of debt, in any Court proper to try the same.

Clerk or cashier to give certificates of shares, &c. held by debtors.

SEC. 5. *Be it further enacted*, That the Shares and interest held by any person or persons in any such Company as aforesaid, may be attached on mesne process and taken and sold on execution in the manner provided by this Act, and no other, any thing in the Act incorporating such Company to the contrary notwithstanding.

Shares to be attached according to this act only.

SEC. 6. *Be it further enacted*, That whenever an Officer shall have in his hands any money arising from the Sale of such Shares or interests, or from the Sale of any equity of redemption, or personal property, more than sufficient to satisfy the Execution or Executions on which such shares or interests, equity of redemption, or personal property, were taken and sold, such Officer shall apply the same surplus money, or such part thereof as may be necessary, to the payment of any other execution which he may have in his hands unsatisfied against the same debtor, or which may be delivered to him before he shall have paid over such surplus money, any thing in this or any other law of this Commonwealth to the contrary notwithstanding: *Provided however*, That if such

Surplus money may go to satisfy another execution.

Proviso.

share or interest, equity of redemption, or personal property, shall, before such Sale, have been attached on Mesne process other than that on which such execution shall have issued, or shall have been taken on some other execution, and the said Officer is duly notified thereof, he shall hold such surplus monies, subject to such attachment, or execution, and shall apply the same to the payment of the execution which may issue on the Judgment that may be rendered on such Mesne process, and delivered to him within thirty days after the rendition of such Judgment, or to the payment of the execution by which such Shares or interest, equity of redemption, or personal property had been taken, according to the priority, in regard to time, of such attachment, or taking in Execution.

*Approved March 8, 1805.*

### 1804. — Chapter 84.

[January Session, ch. 38.]

AN ACT FOR THE PROTECTION OF THE INDIANS AND THEIR PROPERTY IN THAT PART OF DUKES COUNTY KNOWN BY THE NAME OF CHRISTIAN TOWN.

*Whereas many Persons who are unmindful of the Moral Obligations which they owe to Society have taken undue advantages of said Indians for the remedy whereof*

Two guardians  
to be appointed.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same* that his Excellency the Governor by and with the advise and consent of Council be and he hereby is authorised and empowered to appoint two good and discreet Men as Guardians to have the care and oversight of said Indians and of their property with full power to superintend the same.

Deeds, &c. to  
be void unless  
approved by  
the guardians.

SECT. 2D. *Be it further enacted* that from and after the passing of this Act all deeds, bargains, sales, releases, quit claims, or any conveyance whatsoever that any person shall or may obtain in any way of any person or persons of any land tenements or hereditaments which do or shall hereafter belong to any of said Indians as well for any term of Years or forever, shall be utterly Void and of none effect — excepting such deeds leases or other conveyances as shall first be examined, approved, and Confirmed by said Guardians.

Bills, &c. in  
excess of four  
dollars to be  
approved by  
the guardians.

SECT. 3D. *Be it further enacted*, that from and after the passing of this Act no bond, bill, or other speciality

in writing, or any contract whatever — nor any book account or verbal contract or promise for the payment of Money shall be deemed good & recoverable against any of the said Indians if the same shall exceed the sum of four dollars unless such bill, bond, speciality or Verbal Contract shall be approved by one at least of said Guardians.

SECT. 4. *Be it further enacted* that nothing in this Act shall be construed in any wise to affect any existing Contract or any action, that shall be pending in any Court at the time of the passing of this Act.

Existing contracts, &c. not affected.

*Approved March 8, 1805.*

### 1804. — Chapter 85.

[January Session, ch. 39.]

AN ACT DETERMINING THE TIMES AND PLACES FOR HOLDING THE SEVERAL COURTS OF COMMON PLEAS WITHIN AND FOR THE COUNTY OF YORK.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of May next, the times of holding the Courts of Common Pleas within and for the County of York, shall annually be as follows Vizt. At York on the third Monday of April — At Waterborough on the fourth Monday of August — At Biddeford on the fourth Monday of October.

New terms.

SEC. 2D. *And be it further enacted,* that from and after the first day of May next, all the laws heretofore enacted, and now in force determining the times for holding the several Courts aforesaid so far as it respects the times for holding the said Courts, be, and the same hereby are repealed.

Former acts repealed.

*Approved March 8, 1805.*

### 1804. — Chapter 86.

[January Session, ch. 40.]

AN ACT, IN ADDITION TO AN ACT, ENTITLED “AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF MAKING A TURNPIKE ROAD FROM NEWBURYPORT TO CHELSEA BRIDGE.

*Whereas the turnpike from Newburyport can be made with much less expence from Jenkins’ corner so called, in Malden to Malden Bridge than from the same corner to Chelsea Bridge, and be as useful to the public — Therefore*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Newburyport Turnpike Corporation have liberty to make their Turnpike from Jenkins' corner aforesaid, to Malden Bridge and shall not be obliged to make the same to Chelsea Bridge, any thing in the Act to which this is an Addition, to the Contrary notwithstanding — And the said Corporation shall be subject to the same duties, and be entitled to the same privileges relative to the said Turnpike so to be made; to Malden Bridge, as they would be subject and entitled to, had the said Turnpike been made to Chelsea Bridge.

*Approved March 9, 1805.*

## 1804. — Chapter 87.

[January Session, ch. 41.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE TOWNS OF SCARBOROUGH, IN THE COUNTY OF CUMBERLAND, SACO, AND BUXTON, IN THE COUNTY OF YORK INTO A RELIGIOUS SOCIETY, BY THE NAME OF THE METHODIST SOCIETY IN SCARBOROUGH.

SECT. 1ST. *Be it enacted, by the Senate and House of Representatives in General Court Assembled, and by the authority of the same,* that Timothy Waterhouse, Samuel Waterhouse, Moses Waterhouse, Daniel Waterhouse, Alexander Leavitt, David Leavy, Alexander Milliken, Jonathan Harman, John S. Harman, William Leavy, Allison Harman, Nathaniel Moses, Enoch Libey, Samuel Harman, Daniel Harman, Samuel Libbey, George Moses, Jonathan Milliken, Joshua Milliken, Nathaniel Boothby, James Foss, Jonathan Burnam, Benjamin Milliken, Samuel Harman, Simeon Beal, Wentworth Dresser, Richard Waterhouse, George Messeve, Elias Waterhouse, George Harman, Joseph Milliken, Michael Nason, William Harman, Silas Burbank, Nathaniel Waterhouse, James Giptson, Allisan Milliken, James Allen, David Harman, John Deering, Isaac Deering, Thomas Leavey, Isaiah Milliken, Zachariah Foss, Thomas Thurston, Daniel Thurston, Daniel Merrill, John Pinkham, George Harman, Jonathan Batcheldor, Jesse Lumbard, Joseph Waterhouse, William Harman, Phillip Brown, Simon Plaisterd, Nathaniel Boothby, Junr., Zachariah Harman, George Coolroth, Junr., Samuel Dinsmore, Cyrus Foss, James Foss 3d,

Persons incor-  
porated.

Isaac Milliken, Paul Dresser, and Mark Dresser, with their families and estates, be, and they are hereby incorporated into a religious Society, by the name of the "Methodist Society in Scarborough" with all the powers, privileges and immunities to which Parishes are intitled by the Constitution and Laws of this Commonwealth — *Provided, however*, that all such persons shall be holden to pay their proportion of all Monies assessed in each of said towns, for parochial purposes, previous to the passing of this Act.

Corporate  
name.

SECT. 2D. *Be it further enacted*, that any person belonging to the towns of Scarborough, Buxton and Saco, being of the Methodist denomination, who may at any time within one year from the passing of this act, actually become a member of, and unite in religious worship with the society aforesaid, and give in his or her name to the town Clerk of either of the towns aforesaid, in which he or she may belong, with a Certificate signed by the Minister or Clerk of said Society, that he or she is actually become a member of and united in religious worship with the aforesaid Methodist Society, fourteen days previous to the town Meeting, to be held in either of the towns aforesaid, in which he or she may belong, in the month of March or April, shall, from and after giving such Certificate, with his or her polls & estates be considered as part of said Society; *provided, however*, that such persons shall be held to pay their proportion of all Money legally assessed, in either of the Towns aforesaid, to which he or she may belong, previous to that time.

Method of join-  
ing the society.

SECT. 3D. *Be it further enacted*, that if any member of said Methodist Society, shall at any time within one year from the passing of this Act, see cause to leave the same and unite in religious Worship with either of the towns aforesaid in which he or she may belong, and shall lodge a Certificate of such his or her intention with the Clerk or Minister of said Methodist Society and also with the Clerk of either of the Towns aforesaid, to which he or she may belong, fourteen days, at least, before the annual Meeting to be held therein in the month of March or April and shall pay his or her proportion of all Money assessed on said Society, previous thereto, such person shall from and after giving such Certificate, with his or her polls, be considered as belonging to either of the towns to which he or she may belong, in the same man-

Method of leav-  
ing the society.

ner as if he or she had never belonged to the said Methodist Society.

First meeting.

SECT. 4. *And be it further enacted*, that any Justice of the Peace, in the County of Cumberland, is hereby authorized to issue his Warrant to some suitable person, who is a member of said Methodist Society, requiring him to notify and Warn the members thereof, to meet at such time and place as shall be expressed in said Warrant to choose all such Officers as parishes in the Commonwealth are by Law authorized to choose in the Months of March or April annually. *Approved March 9, 1805.*

### 1804. — Chapter 88.

[January Session, ch. 42.]

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT ESTABLISHING AN INCORPORATION BY THE NAME OF THE MAINE TURNPIKE ASSOCIATION."

*Be it enacted by the Senate and House of Representatives in General Court assembled, & by the authority of the same*, that so much of the first Section of an Act intituled an Act establishing an incorporation by the name of the Maine Turnpike Association passed the eighth day of March in the year of our LORD, one thousand eight hundred and three, as authorises said Association to lay out, make and keep in repair a Turnpike Road from Portland to Augusta Bridge be and hereby is repealed any thing in said Act to the contrary notwithstanding.

*Approved March 11, 1805.*

### 1804. — Chapter 89.

[January Session, ch. 43.]

AN ACT TO INCORPORATE JAMES GRAY AND OTHERS, FOR THE PURPOSE OF MAINTAINING A BOOM ACROSS SACO RIVER, BETWEEN BIDDEFORD AND SACO, IN THE COUNTY OF YORK.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That James Gray, Thomas Cutts, Thomas Cutts Junr., Foxwell Cutts, Dominicus Cutts, Asa Stevens, Noah Hooper, David Bryant, John Spring, Samuel Denet, Thomas C. Abbot, Abner Sawyer, and Daniel Cole; together with such other persons as now have

Persons incorporated.

or shall hereafter become Proprietors in the said Boom, be and they hereby constituted and made a Corporation, for laying and maintaining a Boom across Saco River, by the name of The Proprietors of Saco Boom, and by that name may sue & be sued, prosecute and be prosecuted to final Judgment and Execution, and to do and Suffer all such matters and things as bodies politic and Corporate may or ought to do and suffer, and the said Corporation shall have power to keep and use one common Seal, and the same to break, alter and renew at pleasure.

Corporate name.

SEC. 2. *And be it further enacted*, That James Gray and others his associates or any five of them, may by an advertisement posted up at some publick place in Biddeford and Saco, call a meeting of said Proprietors at some suitable time and place, giving at least, ten days notice of such meeting, and the said Proprietors being so met, by Vote of the major part of the Proprietors present, or represented at said Meeting, shall proceed to choose a Clerk, Treasurer, and such other Officers as they may from time to time find necessary, who shall be duly sworn to the faithful discharge of their respective trusts, and shall also agree on the method of calling future meetings of the said Proprietors, and at the same or any subsequent meetings, may make & establish any rules and regulations which may be found necessary or convenient for regulating said Corporation for the collecting the toll or fees, herein established, and for the more effectually executing and completing the general purpose of this Act; and shall have power to assess and recover reasonable fines and penalties for any breach or breaches of such rules and regulations not exceeding fifty dollars: *Provided* that such rules & regulations shall not be repugnant to the Constitution and laws of this Commonwealth — And all applications or representations made at such meetings, shall be in writing, and signed with the name of the person making the same, which shall be filed with, and recorded by the Clerk, and this Act with all the rules, regulations, votes and doings of the said Corporation shall be fairly and truly recorded by the said Clerk in a Book or Books for that purpose to be provided and kept.

First meeting.

SEC. 3. *And be it further enacted*, That the said Corporation shall be entitled to receive of the respective owner or owners of Masts and Logs which shall be rafted and secured at said Boom, by any person or persons, the

Fees or Toll.

following respective fees or toll, for each Mast five Cents, for each Mill log One Cent & five Milles;—*Provided however*, that the fees or toll shall at all times hereafter be subject to the revision or alteration of the Legislature.

Fees may be  
sued for.

SEC. 4. *And be it further enacted*, That for the securing and recovering the payment of the respective fees or toll aforesaid, it shall be lawful for said Corporation, by their Agent or Other persons whom they may appoint for that purpose, to sue for and recover in a due Course of Law by an Action of debt, all such fees or toll, for all Masts or logs, secured and rafted at said Boom as aforesaid, when payment shall be refused or neglected, by the person or persons subject to pay the same.

Damages for  
injuring boom,  
&c.

SECT. 5. *And be it further enacted*, That any person or persons who shall wilfully and maliciously injure or destroy the said Boom, or any of its appendages, or means of using or improving the same, shall be liable to pay such reasonable damages with cost of suit as shall be determined in a due course of Law, to be sued for and recovered by the Proprietors, in an Action of trespass, or on the Case.

Passing at the  
boom not to be  
impeded.

SEC. 6. *And be it further enacted*, That the Proprietors of said Boom, shall not let logs, & Masts lay in said Boom a longer time than they can be rafted out with dispatch, and that persons bringing rafts of Boards, Timber, Staves, and rift Lumber down Saco River, may pass through said Boom in the same way & manner, they usually have done, before the passing of this Act.

*Approved March 11, 1805.*

## 1804.—Chapter 90.

[January Session, ch. 44.]

AN ACT IN ADDITION TO AN ACT, ENTITLED “AN ACT TO PREVENT THE DESTRUCTION OF ALEWIVES AND OTHER FISH IN IPSWICH RIVER, AND PROMOTE THE INCREASE OF THE SAME,” PASSED THE TWENTY EIGHT DAY OF MARCH IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHTY EIGHT.

*Whereas the provision in the first Section of the Act intituled “An act to prevent the distruction of Alewives and other fish in Ipswich River, and to promote the increase of the same,” passed the twenty eighth day of March in the year of our Lord one thousand seven hundred and eighty eight — designating the time for the pas-*



*sage ways to be opened for the fish to pass, & repass, is found inconvenient. Therefore,*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same—That from and after the passing of this Act, the time for the passage way or ways to be kept open for said fish to pass, and repass through any Mill dam, or dams now erected or hereafter to be erected, on that part of said Ipswich River which lyes below Flints, and Merriams Mills, or any stream or streams, running from any natural pond into the same, shall be from the tenth day of April to the third day of June Annually, any thing in the above mentioned Act, to the contrary notwithstanding.*

*Approved March 11, 1805.*

### 1804. — Chapter 91.

[January Session, ch. 45.]

AN ACT IN ADDITION TO AN ACT, ENTITLED “AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE TOWNS OF PITTSFIELD, HANCOCK, DALTON, AND WASHINGTON IN THE COUNTY OF BERKSHIRE, INTO A RELIGIOUS SOCIETY BY THE NAME OF THE METHODIST RELIGIOUS SOCIETY IN PITTSFIELD, HANCOCK, DALTON AND WASHINGTON.”

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joshua Danforth Esqr. or any other Justice of the Peace within and for the County of Berkshire be, and he hereby is authorised to issue a warrant directed to some suitable member of the Methodist religious Society in Pittsfield aforesaid, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant, to choose such Officers as Parishes in this Commonwealth are by law empowered to choose in the Month of March or April annually.*

*Approved March 14, 1805.*

### 1804. — Chapter 92.

[January Session, ch. 46.]

AN ACT TO ALTER THE TIMES OF HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE IN THE COUNTY OF CUMBERLAND.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the*

*authority of the same, that from and after the term of the Court of General Sessions of the peace in the County of Cumberland, to be holden by Law on the third Tuesday of February in the present year, and after the first Tuesday in March instant, the said Court of General Session of the peace shall be holden but twice in each Year, vizt. on the first Tuesday of September & on the first Tuesday of March in every Year, when the said Court shall be holden in the town of Portland, any Law to the contrary notwithstanding.*

*Approved March 14, 1805.*

### 1804. — Chapter 93.

[January Session, ch. 47.]

AN ACT IN ADDITION TO AN ACT, ENTITLED “AN ACT TO AUTHORISE GEORGE ULMER, TO BUILD A TOLL BRIDGE AT LINCOLNVILLE IN THE COUNTY OF HANCOCK,” PASSED THE TWENTY FOURTH DAY OF JUNE, EIGHTEEN HUNDRED & FOUR.

*Whereas in pursuance of said act, a bridge has been erected, but difficulties have arisen, by reason of the said act not specifying the manner in which the proprietors should be assembled, for the purpose of transacting the business incident to the Corporation:*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that a meeting of the proprietors of said Bridge, shall be held on the first tuesday of April next at the House of Hezekiah French in said Linco[l]nville, for the purpose of Choosing all such Officers, and establishing such rules as the said proprietors shall deem proper relative to said bridge, and consisten[t]ly with the act of their incorporation. And George Ulmer Esqr. be and he is hereby authorised to call the first meeting of the said proprietors by giving seven days notice previous to the said first tuesday of April next.*

*Approved March 14, 1805.*

### 1804. — Chapter 94.

[January Session, ch. 48.]

AN ACT IN ADDITION TO AN ACT ENTITLED “AN ACT FOR ESTABLISHING AN ACADEMY, IN THE TOWN OF FRYEBURG, BY THE NAME OF FRYEBURG-ACADEMY.”

*Whereas, by the Act entitled “An Act for establishing an Academy in the Town of Fryeburg, by the name of*

*Fryeburg Academy," seven members of the board of Trustees of said Academy are necessary to constitute a quorum, as well to adjourn meetings of the said Trustees as to do business therein; and the remote situation of the said Trustees from each other, their bodily indisposition, and various other causes sometimes render it inconvenient for that number to attend; in which case no meeting can be holden, or any adjournment had:*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that any three or more of the said Trustees shall have power to open and adjourn legal meetings of the said Trustees, when seven of the said Trustees shall not be present at said meetings; any thing in the Act establishing said Academy to the contrary notwithstanding.*

*Approved March 14, 1805.*

## 1804. — Chapter 95.

[January Session, ch. 49.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO SECURE TO OWNERS THEIR PROPERTY, IN LOGS, MASTS, SPARS, AND OTHER TIMBER IN CERTAIN CASES."

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that whenever any logs, masts, spars, or other timber, shall be taken up and secured for the owner, at the bridges called Spring's bridges, Between Biddeford and Saco, below the great boom (so called) and above the lower falls in Saco, the proprietor or proprietors of said bridges, so taking up and securing said logs, masts, spars, or other timber, shall therefor be entitled to one fourth part of all such logs, masts, spars, or other timber so taken up and secured, and shall advertize the same, and proceed therewith in the same manner and under the same regulations and conditions, as are prescribed in the fifth section of the act, entitled, "An act to secure to owners their property in logs, masts, spars, and other timber in certain cases." *Provided* — that a passage-way shall be kept open to the Slip which is made on the East side of Saco River, for the runing of boards and other timber, so that the proprietors of the said slip, may possess all the advantages which they have heretofore enjoyed by said Slip.*

*Approved March 14, 1805.*

## 1804. — Chapter 96.

[January Session, ch. 50.]

AN ACT RE[S]PECTING THE ERECTION OF THE TOLL GATES OF THE EIGHTH MASSACHUSETTS TURNPIKE CORPORATION.

Doings of the  
corporation  
confirmed.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the Same,* That the doings of the Eighth Massachusetts Turnpike Corporation in erecting Gates on their road, and demanding and receiving thereat the toll allowed by law, be ratified and confirmed, so far as to authorise said Corporation to retain all toll by them received, and to recover all sums of money or damages due to them on any debt or contract — And said Corporation are hereby allowed to continue their Gates where they have lately stood or now stand until the first day of August next, and to demand and receive toll thereat until that time, according to the rates established by the Act of Incorporation.

Committee to  
view the road  
and locate the  
gates.

SEC. 2. *Be it further Enacted,* That Charles Phelps Esqr., of Hadley, Major Aaron Fisher of West-Hampton, and Samuel Whiting Esqr., of Great Barrington, be a Committee to view said road and determine at what places the Gates shall be placed by said Corporation on their road upon and after the first day of August next, and that said Committee give Notice, by a publication in the Federal Spy printed in Springfield twenty days at least before the time of their meeting, of the time and place of their meeting to perform said Service — And that upon and after said first day of August next, the said Corporation may set up and Maintain their Gates at such places as shall be appointed by said Committee, and demand and receive thereat, the Toll allowed by the Act of Incorporation, and thereupon the said Corporation shall be entitled to all the rights and privileges, and subject to all the duties mentioned, granted, and provided in the Act aforesaid.

*Approved March 14, 1805.*

1804.—Chapter 97.

[January Session, ch. 51.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE TOWNS OF NEW BEDFORD AND FREETOWN IN THE COUNTY OF BRISTOL AND ROCHESTER AND MIDDLEBOROUGH IN THE COUNTY OF PLYMOUTH INTO A RELIGIOUS SOCIETY BY THE NAME OF THE FIRST BAPTIST CHURCH AND SOCIETY IN NEWBEDFORD.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Ebenezer Keen, Alden Spooner, Joseph Peirce, Robert Miller, Amos Braley, Lemuel Winslow, Perceval Ashley, Nathaniel Morton, Job Morton, Thomas Shearman, Nicholas Crapo, Ebenezer Morton, William White Junr., Lothrop Lewis, David Peirce, Nathaniel Downes, George Tabor, Thomas White, Ezekiel Cushman, Micah Winslow, Ebenezer L. Foster, William Whitridge, Jesse Keen, Walter Spooner, Ebenezer Keen Junr., Asa Braley, Joseph Bennet, George Douglass, Ellis Mendell, William Gammons, Melatiah Morse, Thomas Gifford, Paul Winslow, William Toby 2d, Mibbon Ormey, Phineas White, Joseph Taber, Barnabas Clark, Silvester Bumpres, Seth Bumpres, Aron Davis, Hezekiah Penington, Joshua Vincent, Nathaniel Sears, Nathaniel Sears Junr., Abraham Ashley Junr., and Joseph Whitridge with their families and estates together with such other of the Inhabitants of any of said towns as have or may hereafter at any time on or before the first day of April in the Year of our Lord one thousand eight hundred and Six. associate themselves for that purpose in the manner herein after described be and are hereby incorporated into a religious Society by the name of the First Baptist Church and Society in New Bedford with all the powers, privileges and immunities to which other parishes are by Law intitled.

Persons incorporated.

Corporate name.

SECT. 2. *Be it further enacted,* that any person or persons in either of the towns aforesaid being of the Baptist denomination aforesaid who may actually become a member of and unite in religious worship with the Society aforesaid within the time limited by the first Section of this Act by giving in his or her name to the Clerks of either of the towns aforesaid signed by the Minister or Clerk of said Society that he or she has actually become

Method of joining the society.

a member of and united in religious worship with the Society aforesaid shall from and after giving in such certificate with his or her polls and estate be considered as a part of said Society. *Provided however* that such person or persons shall be held to pay their just proportion of all monies assessed in said towns for the support of public worship previous to that time.

First meeting.

SECT. 3D. *Be it further enacted*, that the Hon. Alden Spooner Esqr. or some other Justice of the peace in said County of Bristol be and is hereby authorised and empowered to issue his Warrant to some suitable member of said Society requiring him to notify and warn the members of the said Society to meet at such time and place as shall be appointed in said warrant to choose such Officers as parishes in this Commonwealth are by law entitled to choose in the Months of March or April annually.

*Approved March 14, 1805.*

### 1804. — Chapter 98.

[January Session, ch. 52.]

AN ACT MAKING A TEMPORARY ALTERATION IN THE TOLL RECEIVABLE ON CERTAIN ARTICLES BY THE PROPRIETORS OF THE UPPER LOCKS AND CANALS ON CONNECTICUTT RIVER, IN THE COUNTY OF HAMPSHIRE.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that for the term of Seven years, next after the passing of this act, The proprietors of the Upper Locks and Canals on Connecticut River, in the County of Hampshire, be, and hereby are authorized to demand and recieve for every thousand feet of boards passing through the Locks and Canals of said proprietors, the sum of Eighty Cents, and for other Lumber in like proportion, the same to be, during said term, in lieu of the toll granted on said Articles by the Original Act.

*Approved March 14, 1805.*

### 1804. — Chapter 99.

[January Session, ch. 53.]

AN ACT TO INCORPORATE THE FIRST CONGREGATIONAL PARISH IN THE TOWN OF FRANKLIN, AND FOR OTHER PURPOSES.

Preamble.

*Whereas the town of Franklin, since their incorporation, have from time to time transacted Parish business in*

*their public town meetings, but doubts have lately arisen, respecting the legality of such their proceedings, and have requested this Court to ratify and confirm the same.*

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* that the Votes and proceedings of the town of Franklin, since their incorporation as a town, so far as relates to parish business, be and they are hereby ratified, confirmed, and made valid, to all intents and purposes, as if the same Votes and proceedings, had been transacted and done in a legal Parish meeting.

Votes on parish affairs confirmed.

SECT. 2. *Be it further enacted,* that all the Inhabitants of the said town of Franklin, with all the Lands in the said town, (except such Inhabitants & lands, as do by law belong to some other precinct or Parish, or are exempt by law from doing parish duty in said town of Franklin,) be and they hereby are incorporated into a Parish by the name of The first Congregational Parish in the town of Franklin, with all the powers, privileges, & immunities, which other Parishes do or may by Law enjoy.

Inhabitants incorporated as a parish.

Corporate name.

SECT. 3D. *Be it further enacted,* that either of the Justices of the peace for the County of Norfolk, be and he hereby is authorised to issue his warrant, directed to some member of said parish, requiring him to notify and warn all the members thereof, qualified by Law, to vote in parish affairs, to meet at such time and place in said town of Franklin, as shall be expressed in said Warrant, to choose such Officers, as Parishes are by Law required to choose in the Month of March or April annually; and to transact all other matters and things necessary to be done in the said Parish.

First meeting.

*Approved March 14, 1805.*

## 1804. — Chapter 100.

[January Session, ch. 54.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE BELCHERTOWN AND GREENWICH TURNPIKE CORPORATION."

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that the Belchertown and Greenwich Turnpike Corporation are hereby authorised and empowered to extend their Turnpike road from the South Parish meeting-house in Greenwich, to the meeting-house

Extension of road.

in the North Parish in said Town, in as direct a line as the nature of the ground will admit, in the same way and manner, and under the same privileges and restrictions, as are prescribed and contained in the Act, entitled, “an Act to establish a Corporation by the name of The Belchertown & Greenwich Turnpike Corporation.”

Corporation  
authorized to  
remove the  
gate.

New toll estab-  
lished.

Toll may be  
commuted.

SEC. 2D. *And be it further enacted*, that when said Turnpike shall be sufficiently made and so approved by a Committee appointed by the Court of General Sessions of the Peace for the County of Hampshire, then the said Corporation shall be authorized to remove the Gate established by the Act aforesaid, in such manner and place as the same Committee shall direct. And said Corporation shall be entitled to receive in lieu of the toll granted in and by the Act aforesaid, of each Traveller and passenger, at said Gate, the following rates of toll, Vizt. for every coach, chariot, Phaeton or other four wheel carriage drawn by two horses, twenty five cents, and if drawn by more than two horses, an addition of four cents for each horse, for every cart or waggon drawn by two oxen or horses, ten cents, and if drawn by more than two oxen or horses, an addition of three cents for each ox or horse, for every curricule twelve cents and five mills, for every chaise, chair or other carriage drawn by one horse twelve cents five mills, for every man and horse five cents, for every sled or sleigh drawn by two oxen or horses, seven cents, if drawn by more than two oxen or horses, an addition of two cents for each ox or horse for ever[y] sled or sleigh drawn by one horse five cents — for all horses, mules, Oxen, or neat cattle led or driven, besides those in teams and carriages, one cent each, for all sheep or swine at the rate of three Cents per dozen. *Provided* the said Corporation may if they see fit, commute the rate of toll with any person or with the inhabitants of any town through which said road may pass, by taking of him or them a certain sum annually, to be mutually agreed upon in lieu of the toll aforesaid — and no toll shall be taken of any person going on or returning from military duty, to or from public worship, to or from any mill or elsewhere about his Common and ordinary business within the Town where he resides.

*Approved March 14, 1805.*



1804. — Chapter 101.

[January Session, ch. 55.]

AN ACT TO ANNEX A CERTAIN ISLAND, CALLED THE GREAT ISLAND IN CONNECTICUT RIVER, TO THE TOWN OF GILL, AND TO REGULATE THE FISHERY AT & NEAR THE SAME.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the first day of April next the Island in Connecticut River situate in the falls between the towns of Gill & Montague in the County of Hampshire, and known by the name of Great Island, adjoining the Canal Dam. be, and the same is hereby annexed to the town of Gill, and shall forever after be considered as part of said Town.

Great Island  
annexed to  
Gill.

SEC. 2. *And be it further enacted,* That the said town of Gill shall have the full and exclusive right of taking Fish at and near said Island under the restrictions and regulations hereinafter provided.

Fishing rights.

SEC. 3. *And be it further enacted,* That the taking and disposing of said Fish shall be under the care and management of a Committee of said town of Gill, who shall dispose of them in such manner for the benefit of said town of Gill, as they shall judge best; and account with the Treasurer of said town of Gill for the proceeds thereof on or before the first day of September annually, and the money arising therefrom shall be appropriated to the use and benefit of said town of Gill. And the Committee shall have a reasonable allowance for their service, and lay their accounts before the Selectmen for their allowance — Said Committee shall consist of three freeholders in said town of Gill, and be chosen by ballot in the Months of March or April annually, who shall be sworn to the faithful discharge of their duty as other town Officers are.

Fish committee.

Committee to  
be compen-  
sated.

SEC. 4. *And be it further enacted,* That if any person or persons shall enter on said Island, and shall make use of any Sein, net or Machine of any kind for the purpose of taking fish at or near the same, without permission first obtained from the Committee aforesaid, shall forfeit and pay a sum not less than five dollars nor more than thirteen dollars.

Penalty for fish-  
ing illegally.

SEC. 5. *And be it further enacted,* That the Treasurer of said town of Gill is hereby impowered on the

Town treasurer  
to sue for fines.

complaint of any of the Committee aforesaid to sue for and recover all fines and forfeitures incurred by a breach of this Act, before any Justice of the peace in said County, and all fines so recovered, shall be, One half to the use of the prosecutor, and the other half to the said town of Gill.

Witnesses.

SEC. 6. *And be it further enacted*, That any of the Committee aforesaid, or any of the Inhabitants of said town of Gill may be admitted as witnesses in any prosecution for the breach of this Act.

Price of shad,  
&c.

SEC. 7. *And be it further enacted*, That the price of One single Shad taken at or near said Island shall not at any time exceed eight cents — And said Committee, or the major part of them, may whenever they think proper, by writing under their hands, licence any poor person belonging to said town of Gill to take Fish at or near said Island, without paying any thing therefor; any thing in this Act to the contrary notwithstanding.

Act limited.

SEC. 8. *Be it further enacted*, That this Act shall continue in force, five years from and after the passing thereof, and no longer. *Approved March 14, 1805.*

## 1804. — Chapter 102.

[January Session, ch. 56.]

AN ACT TO AUTHORISE JONATHAN WILSON AND OTHERS TO BUILD A BRIDGE OVER THE RIVER PASSAGASSAWAUKEAG, IN THE TOWN OF BELFAST.

Persons incor-  
porated.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, that Jonathan Wilson, together with those who may hereafter associate with him, be and they are hereby authorised to build a bridge, across the River Passagassawaukeag, in the town of Belfast, above the present ferry, from the South east point or corner of Nathaniel Pattersons farm to the opposite shore, and for that purpose shall have all the powers and privileges incident to Corporations for building bridges, by the name of The Proprietors of the East Bridge in Belfast; and by that name may sue and be sued, defend and be defended, prosecute and be prosecuted to final judgment and execution, and do and suffer all such matters and things as bodies politic, may or ought to do and suffer.

Corporate  
name.

Dimensions, &c.  
of bridge.

SEC. 2D. *And be it further enacted*, that the said bridge shall be well built of suitable materials, at least

twenty two feet wide, with a draw of sufficient width for vessels to pass through and sufficient rails on each side, with boarding or planking three feet high from the floor of said bridge for the safety of passengers, and the whole shall be kept in good, and safe repair. *Provided however*, that if the said Jonathan Wilson and his associates, shall neglect or refuse for the space of three Years to build the said bridge, then this act shall be void, and of no effect. And if the said Proprietors, shall unreasonably neglect to keep the said Bridge in good repair as aforesaid, on such neglect being made to appear to the Court of General Sessions of the Peace for the County of Hancock, it shall be in the power of the said Court, to prohibit the proprietors aforesaid, from receiving toll from any person or persons passing the said bridge, until it is by them put into such repair, as shall be deemed sufficient by the said Court. And the said Proprietors shall be liable to pay all damages which may happen to any person, from whom the toll is demandable, for any damage which shall come from any defect or want of repair in the said bridge upon a presentment of the grand Jury of the said County.

Bridge to be kept in repair.

SEC. 3D. *And be it further enacted*, that for the reimbursing to the said Jonathan Wilson and his associates, the money they may expend in building the said bridge, and keeping the same in repair, a toll is hereby granted and established, for the benefit of the said Jonathan Wilson and his associates, according to the following rates, viz. For each foot passenger three cents; for each man and horse ten cents; for each horse and chaise, sulkey, or riding chair, twenty cents; for each sleigh or sled, waggon, or cart, drawn by one beast, twelve and a half cents; for each sleigh, sled, waggon, or cart drawn by two beasts fifteen cents; and if drawn by more than two beasts, an additional sum of three cents, for each beast; for neat cattle, singly or in droves two cents each; and for sheep or swine, one cent each; and to each team, one person and no more shall be allowed as a driver, to pass free from toll; and at all times when the toll gatherer shall not attend his duty, the passenger or carriage may pass free of toll. And the said toll shall commence on the day of opening the said Bridge for passengers, and shall continue for and during the term of sixty years, at the end of which time, the said bridge shall be delivered up in good repair, to be at the disposal of the Legislature.

Toll established.

Account of cost  
of bridge and  
triennial state-  
ments to be  
filed.

Sign-board.

First meeting.

*Provided always*, that at the time of opening the said Bridge, the proprietors and their successors, shall cause a just and true account of the expences thereof and also at the end of every three years afterwards, a true and just account of their receipts and disbursements, to be deposited in the office of the Secretary of this Commonwealth; and that when ten years have elapsed, from the date of this Act, the Legislature may regulate anew the rates of toll receivable at the said Bridge. And the said Proprietors shall constantly keep, in a conspicuous place, and fairly exposed to view, a sign or board, with the rates of toll, of all the tollable articles, legibly written thereon, in large or capital letters. *Provided however*, that the said toll may be commuted with any person or persons, or with any corporation, by taking a certain sum annually as may be mutually agreed on, in lieu of the toll aforesaid.

SEC. 4TH. *And be it further enacted*, that upon application of any three of the proprietors aforesaid to either of the Justices of the Peace within and for the County of Hancock, it shall be the duty of such Justice to issue his warrant, directed to some member of said Corporation, requiring him to notify and warn a meeting of said proprietors, to be holden at such time and place as shall be appointed in said Warrant, to choose such officers as said Corporation are empowered to choose. And the said Corporation at the same or any subsequent meeting, may determine on the mode of calling future meetings, and may make and adopt such bye laws, rules and regulations, as may be necessary and convenient for the management of their affairs, provided they are not repugnant to the constitution and laws of this Commonwealth.

*Approved March 14, 1805.*

## 1804. — Chapter 103.

[January Session, ch. 57.]

AN ACT PROVIDING FOR THE REGULAR DISCHARGE OF MORTGAGES MADE TO THE COMMONWEALTH.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that whenever any Mortgagor, who shall have mortgaged any real estate to the Commonwealth, his Executors, Administrators, heirs or assigns, shall pay into the treasury the full sum due on such

Treasurer to  
sign and seal a  
discharge, &c.

mortgage, the Treasurer may, and it shall be his duty to sign and seal a discharge of such mortgage, and a release and quit-claim to the Estate therein mentioned to be granted, and to acknowledge the same before a Justice of the Peace; which deed, being recorded in the Registry of Deeds for the County, where such Estate is situate, shall effectually discharge such mortgage to all intents, and purposes: *Provided however*, that nothing in this Act shall be construed to authorize any mortgagor, his heirs, executors, administrators, or assigns, to redeem any mortgaged premises after the expiration of three years from the entry of the Commonwealth by the Treasurer, or his substitute, or any other person thereto authorized by law, upon the mortgaged premises for the breach of the condition of the mortgage.

SEC. 2. *And be it further enacted*, that whenever there shall be a disagreement between the treasurer for the time being, and the person applying to redeem any real Estate mortgaged to the Commonwealth, as to the sum equitably due on such mortgage, the person so applying, and having a right to redeem such Estate, may file a Bill in equity for the redemption thereof, in the Supreme Judicial Court in the County of Suffolk, and the same Court shall cause an attested copy of such petition, with a summons thereon, to appear at the next term of said Court in said County, to be served, fourteen days before the commencement thereof, on the treasurer, who is hereby authorized, in behalf of the Commonwealth, to appear in said Court and answer to such petition; and the said Court, within said County, shall proceed to hear the parties, and shall determine and adjudge what sum is justly due on said mortgage to the Commonwealth; and the Treasurer shall be empowered, and it shall be his duty to accept the Sum adjudged by said Court to be due on said mortgage, and upon receiving the same to discharge and release such mortgage in the manner prescribed in the first section of this Act: *Provided always*, that all the costs and charges of discharging such mortgage, and of the process for ascertaining the sum due on the same, shall be borne by the person or persons applying to redeem the Estate mortgaged, and not by the Commonwealth or the Treasurer. *Approved March 15, 1805.*

In case of disagreement between the treasurer and persons applying to redeem mortgaged property.

Provided.

## 1804. — Chapter 104.

[January Session, ch. 58.]

AN ACT TO SET OFF JOSEPH CURTIS, WITH HIS FAMILY AND ESTATE, FROM THE FIRST, AND ANNEX HIM TO THE THIRD PARISH IN ROXBURY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That Joseph Curtis husbandman of Roxbury in the County of Norfolk, with his polls, family & estate, be and hereby are set off from the first Parish, and annexed to the third Parish, commonly called Jamaica plain, in the said town of Roxbury. Provided that the said Joseph Curtis shall previously pay his proportion of all parochial charges assessed upon him, and due to the said first Parish prior to the date of this Act.*

*Approved March 15, 1805.*

## 1804. — Chapter 105.

[January Session, ch. 59.]

AN ACT MAKING FURTHER PROVISION IN THE JUDICIAL DEPARTMENT.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the Supreme Judicial Court of this Commonwealth, shall consist of One Chief Justice and four other Justices, and no more.*

Number of  
Justices.

Terms to be  
holden by three  
or more Jus-  
tices.

SEC. 2. *Be it further enacted, That from and after the passing of this Act, the Supreme Judicial Court shall be holden annually at Boston, in the County of Suffolk, for the Counties of Suffolk & Nantucket, on the second Tuesday of March; at Lenox, in & for the County of Berkshire, on the second Tuesday of September; at Northampton, in and for the County of Hampshire, on the third Tuesday of September; at Worcester, in & for the County of Worcester, on the fourth Tuesday of September; at Dedham, in and for the County of Norfolk, on the first Tuesday, next after the fourth Tuesday of September; at Taunton, in and for the County of Bristol, on the second Tuesday, next after the fourth Tuesday of September; at Plymouth, in and for the County of Plym-*

outh, on the third Tuesday next after the fourth Tuesday of September; at Barnstable, for the Counties of Barnstable and Dukes County, on the fourth Tuesday next after the fourth Tuesday of September; at Cambridge, in and for the County of Middlesex, on the fifth Tuesday, next after the fourth Tuesday of September; at Salem, in and for the County of Essex, on the Sixth Tuesday next after the fourth Tuesday of September; at York, in and for the County of York, on the third Tuesday of May; at Portland, in and for the County of Cumberland, on the fourth Tuesday of May; at Augusta, in and for the County of Kennebeck, on the first Tuesday, next after the fourth Tuesday of May; at Wiscasset, in and for the County of Lincoln, on the second Tuesday, next after the fourth Tuesday of May; at Castine, in the County of Hancock, for the Counties of Hancock and Washington, on the third Tuesday next after the fourth Tuesday of May; by all the Justices of the said Supreme Judicial Court; but any three or more of said Justices may constitute a quorum for holding the said Court, and discharging all the duties thereof at any of the times and places aforesaid.

SEC. 3. *Be it further enacted*, That from & after the passing of this Act, the Supreme Judicial Court shall be holden annually at Boston, in the County of Suffolk, for the Counties of Suffolk and Nantucket, on the fourth Tuesday of November; at Dedham, in and for the County of Norfolk, on the first Tuesday of March; at Concord, in and for the County of Middlesex, on the second Tuesday of April; at Ipswich, in and for the County of Essex, on the fourth Tuesday of April; at Worcester, in and for the County of Worcester, on the third Tuesday of April; at Northampton, in and for the County of Hampshire, on the fourth Tuesday of April; at Lenox, in for the County of Berkshire, on the first Tuesday next after the fourth Tuesday of April; at Plymouth, in & for the County of Plymouth, on the third Tuesday of May; at Wiscasset, in and for the County of Lincoln, on the third Tuesday of September; at Augusta, in and for the County of Kennebeck, on the second Tuesday next after the third Tuesday of September; at Portland, in and for the County of Cumberland, on the fourth Tuesday, next after the third Tuesday of September; at Alfred, in and for the County of York, on the sixth Tuesday next after the third Tuesday of September, by

Terms to be  
holden by one or  
more Justices.

any One or more of the Justices of said Court. *Provided nevertheless*, that the Tuesday on which any of the said Courts are respectively to be holden as aforesaid, may, in all judicial proceedings, from time to time, be expressed and designated by such Tuesday of the month, as will be the Tuesday on which any Court is to be holden pursuant to the foregoing arrangements.

Business transferred to the new terms.

SEC. 4. *Be it further enacted*, That all Writs, recognizances, Warrants, Complaints, and every other matter and thing, that should, after the passing of this Act, be returned to, or entered at the Supreme Judicial Court, at the times & places heretofore appointed, and all parties and persons, that may be required or directed to appear and attend after that time, at the aforesaid times & places, and all actions, matters, and suits, that may be pending in the same Court, on the day of passing this Act, shall be returned to, entered, appear, and attend, have day, be tried, and determined in said Court, at the respective times and places established by this Act, pursuant to the true intent and meaning thereof.

Exceptions may be alleged and allowed in certain cases.

SEC. 5. *Be it further enacted*, That whenever the said Court shall be holden by any one of the Justices thereof, it shall be lawful for any party, thinking himself aggrieved by any opinion, direction, or judgment of the said Justice, in any Action or process, of a Civil or Criminal nature, to alledge exceptions to the same, at the term of said Court when such opinion, direction or judgment shall be given or pronounced; and such exceptions being reduced to Writing, in a Summary mode and presented to the Court, before the adjournment thereof without day, and found conformable to the truth of the Case, shall be allowed & signed by the Justice holding said Court; and thereupon all such action or process, in or upon which judgment shall not have been rendered, at the time of allowing such exceptions, shall be continued to the next term of the said Court, to be holden in the same County pursuant to the second Section of this Act, subject to the provisions hereinafter contained; and such Action or process, wherein exceptions shall be alledged to the final judgment of the Court thereon, shall likewise be continued in the same manner and execution thereon shall be stayed, but without prejudice to any attachment made on the original Writ in any civil Action. *Provided however*, that no trial by Jury shall be delayed or prevented, by the making or filing of exceptions to the opinion or



judgment of the Court, upon any dilatory plea, or upon any question of Law arising during the trial; and whenever it shall appear to the Court, that the exceptions made in or after the trial of any cause, are frivolous, immaterial, or intended for delay, judgment may be entered, and execution awarded or stayed, on such conditions as the Court may deem reasonable, notwithstanding the allowance of the proceedings; and the Courts to which actions may be continued, upon exceptions filed and allowed, shall have cognizance thereof, and shall do therein what to law and Justice shall appertain.

In case of frivolous exceptions, &c.

SEC. 6. *Be it further enacted*, That all indictments which may be found for any Capital Offence, and all motions & petitions for new trials, and all appeals from judgments or decrees of Judges of Probate, and all questions of divorce and alimony, questions of Law on Statements of facts agreed by the parties, or Special Verdicts, and all issues in Law, shall be heard, tried and determined exclusively in the Courts which are to be holden, pursuant to the second Section hereof, by three or more of the said Justices; And all other Actions, processes, matters and things civil and criminal, whereof the Supreme Judicial Court hath heretofore had cognizance, may be heard, tried, and determined, subject to the provisions aforesaid, at the Court which may be holden by one or more Justices, pursuant to the third Section hereof. And whenever three or more of the Justices aforesaid, shall attend at any Court to be holden by virtue of the third Section hereof, the said Justices attending and holding such Court, shall have cognizance of all matters and things whatsoever, whereof they may have Cognizance at any Court to be holden by virtue of the second Section of this Act.

Causes to be tried before three or more Justices.

Causes to be tried before one or more Justices.

SEC. 7. *Be it further enacted*, That whenever, on Actions, processes, issues, and matters, which are, by the provisions of this Act, cognizable by the aforesaid Justices, or any three of them, all trials and decisions shall have been had at any Court, provided by the second Section of this Act to be holden, any one of the said Justices may continue to hold the same Court, for the trial of all causes, actions, and issues which are cognizable by one or more of the said Justices, pursuant to the provisions of the third Section of this Act.

After actions triable by three justices are over, one Justice may continue the court.

SEC. 8. *Be it further enacted*, That whenever, by sickness, accident, or any unforeseen cause, the number

Non-attendance of Justices.

of Justices, required to hold Courts by the second Section of this Act, do not attend on the day appointed for opening a Court, that any one of said Justices may adjourn the Court, from day to day, until a sufficient number of said Justices do attend; and that whenever, by sickness, accident, or any unforeseen cause, one of said Justices shall not attend at the several times and places appointed for holding Courts, by the third Section of this Act, the Sheriffs of the several Counties respectively shall have power to adjourn the Court, from day to day, until a Justice shall attend.

Appointment  
of clerks, &c.

SEC. 9. *Be it further enacted*, That the appointment of Clerks, the establishment of rules and orders of practice, and the admission of Attornies, shall be vested in, and exclusively exercised by the Court, to be holden by virtue of the second Section of this Act.

Justices to  
make proper  
arrangements.

SEC. 10. *Be it further enacted*, That it shall be the duty of the Justices of said Court, from time to time, to make such arrangements for holding said Court, pursuant to the third Section of this Act, as will, as far as may be, enable any Justice, holding the same in any County, to transact all the business which may be pending before said Court.

Former act  
repealed.

SEC. 11. *Be it further enacted*, That an Act passed on the twenty-eighth day of February, in the year of Our LORD one thousand eight hundred and four, entitled, “An Act making further provision in the Judicial Department,” be, and the same is hereby repealed.

Current term of  
court included  
in provisions  
of act.

SECT. 12. *Be it further enacted*, that the Supreme Judicial Court, which commenced its Session at Boston, in the County of Suffolk, for the Counties of Suffolk and Nantucket, on the second tuesday of March instant, may and shall do and perform all the duties and exercise the same powers, in the same manner as though this act had been passed, before the commencement of the said session of said Court.

*Approved March 15, 1805.*

## 1804. — Chapter 106.

[January Session, ch. 60.]

AN ACT FOR EXTENDING THE NORFOLK AND BRISTOL TURNPIKE FROM ROXBURY TO PLEASANT STREET, IN BOSTON.

SECTION 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that the Norfolk and Bristol

Turnpike Corporation be, and hereby is authorized to lay out and make a turnpike-road — commencing at or near the termination of the present road in Roxbury, and running Northwesterly of Roxbury-Street, so called, and over the Marsh and Flats, westerly of the Store of John Davis Williams on Boston Neck, and thence to make a Bridge or Causeway to some part of Pleasant-Street in Boston; the whole to be laid out and made, as near as may be found practicable and convenient, in a strait line from the commencement thereof in Roxbury to said Pleasant-Street, and to be located by the Committee appointed by the General Court to locate the said Norfolk and Bristol Turnpike-road; and the same shall be laid out, on the Marsh and flats not more than six nor less than four rods in width, and on the upland not more than four nor less than three rods in width; and the said Bridge or Causeway and road shall be not less than thirty six feet wide in the travelled path, with sufficient rails on each side for the safety of passengers; and the said Corporation shall put up and maintain lamps, at the distance of two hundred feet apart, on each side, from said Pleasant-Street to the boundary line between Boston and Roxbury, which shall be well supplied with oil, and lighted in due season, and kept burning untill midnight. And the earth that may be taken to make said Road or Causway over said Marsh and Flats shall all be dug and taken on the west-  
Course of the  
extended road,  
&c.  
Width of road,  
&c.

SECTION 2D. *And be it further enacted*, that the said Corporation may purchase and hold the land over which they may make said Road and Causeway, and shall be holden to pay, all damages which shall arise to any person by taking his land therefor, when it cannot be obtained by voluntary agreement, to be estimated by a Committee to be appointed by the Courts of General Sessions of the Peace of the Counties of Suffolk and Norfolk respectively, as the case may require, saving to either party the right of trial by jury, according to the law which provides for the recovery of damages accruing by laying out public highways.  
Corporation  
liable for dam-  
ages where land  
is taken without  
agreement.

SECTION 3D. *And be it further enacted*, that when the said Road and Bridge or Causeway shall be sufficiently made, and shall be allowed and approved by the Committee first mentioned, the said Corporation shall be entitled to demand and receive from each traveller and passenger  
Toll estab-  
lished.

the following rates of toll, to wit, For each foot passenger or one person passing, one cent; every man and horse, four cents; each single-horse, cart, sled or sleigh, six cents; each wheelbarrow, handcart, or other vehicle capable of carrying like weight, two cents; each single horse and chaise, chair or sulky, twelve and a half Cents; coaches, chariots, phaetons and curricles, twenty-five Cents each, and if drawn by more than two horses, an additi[o]nal sum of four cents for each horse, all other wheel carriages, sleighs or sleds, drawn by more than one horse or ox, twelve and a half Cents each, and if drawn by more than two, an additional sum of three cents for each horse or ox; Neat cattle and horses, exclusive of those driven, in carriages or teams, two cents each; Swine and sheep, six cents for each dozen, and at the same rate for a greater or less number. And to each team one person, and no more, shall be allowed, as a driver, to pass free from toll. And the said Corporation is hereby authorized to erect a gate, for collecting said toll, on any part of the said road, bridge or causeway; or if they shall deem it more advisable, they may erect two gates for that purpose within the town of Boston, one on said Bridge or Causeway, and the other on some part of said road; at each of which gates they may demand and receive one half of the above rates of toll. — *Provided*, that if they shall so erect two gates, each foot passenger over said Bridge or Causeway shall pay one Cent, and nothing for passing over said road. And when no toll-gatherer shall be present at either of said Gates to receive the toll, the said gate shall be left open, and passengers be permitted to pass freely.

Toll-gates.

Account of cost  
of road and  
annual state-  
ments to be  
exhibited.

SECTION 4TH. *And be it further enacted*, that the said Corporation shall, within six months after the said road and bridge or causeway are completed, lodge in the Secretary's Office an account of the expences thereof; and shall include in the account to be annually exhibited by them to the Governor and Council, the tolls and disbursements arising thereon; and the said expences, tolls and disbursements shall be included in the estimate or account to be hereafter taken and made for the purposes mentioned in the twelfth section of the act for establishing the said Corporation, in the same manner as if the said road and bridge or causeway had been expressly included and granted in and by the said act: *Provided always*, that

the said Corporation, in extending the said Turnpike, as provided for in this act, shall not erect any Gate or Gates on any road or street now travelled or used, and shall not, in any manner, change or alter any road or street now travelled or used, so that such road or street be thereby made less convenient or suitable for passing than the same now is.

Present roads not to be injured.

SECTION 5TH. *And be it further enacted*, that the Selectmen of the town of Boston and Roxbury shall have a right to lay out Streets from the Main-Street to the said road and causeway, and also Streets westerly therefrom, and abutters on said road shall have the privilege of passing to and from their lands upon each side of said road and causeway, as though the said road were a public highway.

Streets may be laid out, &c.

SECTION 6TH. *And be it further enacted*, that the said Corporation shall make a good and sufficient draw or passage-way, not exceeding thirty feet in width, which shall be well-lighted, whenever, and in such place as the Selectmen of Boston shall direct, for the passage of vessels, through which vessels and rafts may pass free of toll, the said draw to be raised, except for the passing of pleasure-boats, by said Corporation.

Draw to be maintained.

*Approved March 15, 1805.*

## 1804. — Chapter 107.

[January Session, ch. 61.]

AN ACT FOR THE INCORPORATING OF CERTAIN PERSONS, FOR THE PURPOSE OF MAKING, LAYING AND MAINTAINING SIDE BOOMS IN ANDROSCOGGIN RIVER.

*Whereas it appears, that the making and maintaining of Side Booms in Androscoggin-River from Androscoggin Bridge to the narrows of said river, in Brunswick and Topsham, for the purpose of stopping and securing Masts, logs and other lumber which are drifted down said river, would be of great public, as well as private advantage—*

Preamble.

SEC. 1. *Be it therefore enacted, by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, that Thomas Thompson, William Stanwood, Elijah Hall, Paul Hall, Humphry Purinton, Cornelius Thompson, Trueworthy Kilgore, Francis Tucker, and Johnson Wilson and their associates, successors and assigns, be and they are hereby constituted

Persons incorporated.

a corporation, for making, laying and maintaining Side Booms, in suitable and convenient places, in Androscoggin River, from Androscoggin Bridge to the narrows of said River, in Brunswick and Topsham, so long as they shall continue proprietors of the fund raised, or which may hereafter be raised for that purpose, and shall be a body politic by the name of "The Proprietors of Side Booms in Androscoggin River," and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and may do and suffer all other matters and things which bodies politic may or ought to do and suffer; and also may make have and use a common seal, and the same again, at pleasure may break, alter and renew.

Corporate name.

Meetings.

SEC. 2D. *And be it further enacted*, that the said Proprietors, or any five of them, may, by an advertisement posted up at some place of public resort, in each of the said towns of Brunswick and Topsham, call a meeting of the said Proprietors, to be holden at some suitable time and place, not less than fifteen days after the posting up of said advertisement; and the said Proprietors by a vote of the major part of the Proprietors present or represented at said meeting, shall choose a Clerk, and other officers, as occasion may, from time to time, require, who shall be sworn to the faithful discharge of their respective trusts, and shall also agree upon a method for calling future meetings, of the said Proprietors; and at the same, or any subsequent meeting, may make and establish any rules and regulations, that may be necessary and convenient, for effecting, completing, and executing the purposes aforesaid, or for collecting the fees hereafter granted; and for breaches of said rules & regulations, may order and exact fines and penalties, not exceeding twenty dollars, *Provided* that the said rules and regulations, are not repugnant to the Constitution and Laws of this Commonwealth. And all representations made, at such meetings, shall be done in writing and signed by the person making the same, which shall be filed with, and recorded by the Clerk; and this Act, with all rules, regulations, and votes of the said Corporation, shall be truly and fairly recorded, by the said Clerk, in a book or books, for that purpose to be provided and kept.

Rules, &c.

Landing-place to be provided.

SEC. 3D. *And be it further enacted*, that the said Corporation, shall, on or before the twentieth day of May, in

each and every year, provide a sufficient and convenient landing place, for Gondolas and boats, at or near Mason's Rock, so called, in Brunswick; and it shall be the duty of said Corporation, after due notice received, to remove any obstruction, by timber or other lumber, by them secured, to the launching of Vessels, which may hereafter be built on the banks of said River.

SEC. 4TH. *And be it further enacted*, that the said Fees. Corporation, shall be entitled to, and receive of, the respective owner, or owners of logs and other lumber by them stopped in said river, rafted and properly secured for the owner, the following respective fees, vizt. For each mast, sixty six cents, for each log or logs, sufficient to make a thousand feet of boards, forty cents, for each boom, sixty six cents, for each bowsprit, sixty six cents, for each ton of Oak timber, thirty four cents, for each ton of pine timber, twenty five cents, for each hundred of ranging timber, sixteen cents, for each thousand of shingles, eleven cents, for each thousand of staves, sixteen cents, for each thousand of clapboards, sixteen cents, — and for any other kind of lumber, in the same proportion: *Provided nevertheless*, that the fees aforesaid, shall, at all times hereafter, be subject to the revision and alteration of the Legislature.

SEC. 5TH. *And be it further enacted*, that for securing and recovering the payment of the said fees respectively, it shall be lawful for the said Corporation, by their several Agents and servants to be appointed as aforesaid, to hold and retain any logs or other lumber, by them stopped in said River, rafted and properly secured for the owner as aforesaid, until payment, or tender of the said fees respectively which shall have, thereby, become due to the said Corporation. And it shall be the duty of the said Corporation, their agents and servants as aforesaid, on payment or tender of the fees as aforesaid, to restore and acquit to the owner or owners claiming the same, and producing if required, reasonable proof of his or her property therein, all such logs and other lumber, which shall be at any time stopped and secured as aforesaid; and on failure thereof, the said Corporation, shall forfeit and pay to such owner or owners, double the value of such logs, or other lumber, so unlawfully detained as aforesaid, to be recovered by the said owner or owners by action to be commenced and pursued, before any Justice of the Peace or

Lumber &c.  
may be retained  
till fees are paid  
or tendered.

other Court within the County, having jurisdiction of such suit.

Lumber, &c.  
held, to be ad-  
vertised and  
sold after a  
certain time,  
and the disposal  
of the proceeds  
directed.

SEC. 6TH. *And be it further enacted*, that if within five months, from the time of securing such logs, or other lumber, no owner or owners shall appear to claim and receive the same, and pay the fees as aforesaid, it shall be the duty of the said Corporation, their agents and servants as aforesaid, to publish and advertise, for the space of twenty one days at the least at some public place in each of the towns of Topsham and Brunswick and also in one of the News-papers printed in Portland, all such remaining logs, and other lumber, and describe the same as nearly as may be, with the marks appearing thereon. And if after the expiration of thirty five days, from the time of posting up such advertisements, no owner or owners shall appear as aforesaid, all such logs or other lumber shall be sold and disposed of, at public vendue, for the most that can be obtained, and the proceeds of such sale shall be retained and held, by the said Corporation for the space of one year thereafter; and any person or persons, within that time, proving his, or their property in the said logs or other lumber, which have been sold as aforesaid, shall be entitled to the overplus of such proceeds after deducting the respective fees, due for saving the same, together with all reasonable charges, incurred by such advertisements and sale. And if no owner or owners shall appear within that time, the said overplus shall be paid, one half into the Treasury of the County of Cumberland, and the other half into the Treasury of the County of Lincoln. *Provided always*, that the Clerk of the said Corporation, shall lodge with the Clerks of each of the Towns of Brunswick and Topsham, within ten days after such sale, a memorandum in writing, of the said logs or other lumber, describing the same, as nearly as may be, and an account of the proceeds of the sale thereof, signed by the Clerk, or one of the Agents or Officers of the said Corporation, for the time being.

*Approved March 15, 1805.*



1804. — Chapter 108.

[January Session, ch. 62.]

AN ACT TO INCORPORATE HANNAH BALCH, SARAH THOMPSON AND OTHERS INTO A SOCIETY, BY THE NAME OF THE NEWBURY PORT FEMALE CHARITABLE SOCIETY.

*Whereas Hannah Balch, Sarah Thompson and a number of other Ladies of the town of Newburyport have associated for the Charitable purpose of rescuing from Poverty and Vice, instructing and employing, & training up to Virtue and usefulness, female Orphan Children; and to carry their association into effect have petitioned to be incorporated:*

Preamble.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same* That the said Hannah Balch, Sarah Thompson and their associates, together with such others as may become subscribers to the same institution in the manner herein after provided, be, and they are incorporated into a society, by the name of The Newburyport Female Charitable Society, and by that name shall be a corporation forever, with power to have a common seal; to make contracts, relative to the objects of their institution; to sue and be sued, to establish byelaws and orders for the regulation of the said Society, and the preservation and application of the funds thereof, provided the same be not repugnant to the Constitution or Laws of this Commonwealth; to take, hold and possess any estate, real or personal, by subscription, Gift, Grant, Purchase, devise or otherwise, free from taxes, and the same to improve, lease, exchange, or sell and convey, for the sole benefit of said institution, provided the Value of the real estate of said Society shall never exceed Thirty Thousand Dollars, and the annual income of the whole estate of said Society shall not exceed twenty thousand Dollars.

Persons incorporated.

Corporate name.

SECT. 2D. *And be it further enacted,* That every married woman belonging to said Society, who shall, with the Consent of her husband, receive any of the money or other property of said Society, shall thereby render her said husband accountable therefor to said Society, and every woman, whether sole or married, who shall subscribe and pay to the funds of said Society the sum of two dollars

The husband of a member to be accountable for money received by her.

annually shall, by subscription and payment, become a member of said Society, liable however to be removed, whenever she shall refuse or neglect to pay her said annual subscription.

Annual meetings; choice of officers, &c.

SECT. 3. *And be it further enacted*, That the said Society shall meet in Newburyport on the second tuesday in June annually, for the purpose of electing, by ballot, from their members a Treasurer, and a board to consist of not less than nine, nor more than twelve Managers; which board shall elect from among themselves, a first and Second Directress, a Secretary and any other needful Officers, all which officers shall hold their said Offices for one Year, and until others shall be elected to succeed them. And the managers for the time being shall publish a notification of the time and place of each annual meeting in one or more of the Newspapers printed in Newburyport at least seven days before the time of holding the same. Upon any urgent occasion, the first or second Directress, or, when requested in writing by thirty members of said Society, any five of the managers, may appoint a special meeting of said Society, to be notified in the same manner as annual meetings. And at any special meeting of the board of managers seven days previously notified by the Secretary for that purpose, at the request of the first and second Directress, or any seven of their number; they may remove any manager from Office, and by ballot fill any Vacancy so made, or by death, provided that in case of removal or otherwise, two thirds of their whole number shall concur.

Special meetings.

Treasurer to be a single woman.

SECT. 4. *And be it further enacted*, That the Treasurer of said Society shall always be a Single woman, of the age of twenty one years or upwards, and shall give bond, with sufficient surety or Sureties, to account annually, or oftener if required by said society, or the board of managers, for all money and property of said Society coming to her hands, and in general to discharge the duties of her said Office with fidelity.

Powers and duties of board of managers.

SECT. 5. *And be it further enacted*, That the board of managers for the time being, shall have the management and application of the Subscriptions, funds and estate of the Society, solely for the purpose of this institution; and no Sale or transfer of any real or personal estate of said Society shall be valid, unless approved by them; and no money shall be paid out of the Treasury of said So-

ciety except in pursuance of the order of the said board of managers. They shall likewise have authority, at their discretion, to take into their Asylum such Female orphan Children, as they may judge suitable objects of Charity, to enjoy the benefits of the institution; and also to accept a surrender, in writing, by the father, or where there is no father, by the mother, of any female Child or Children, to the care and direction of said Society; and to bind out in virtuous families, until the age of eighteen Years, or marriage within that Age, any such Orphans or Children thus surrendered, or any female Child or Children, who, being destitute of Parents within this Commonwealth, shall have been relieved and supported by said Society; *provided*, that any parent, whose Child or Children, during the absence of their said parent out of this Commonwealth, shall have recieved relief and support, or been bound out as aforesaid, shall have liberty, on his or her return, to recieve such child or children, upon paying to the Treasurer of said Society, the expence incurred in her or their relief and support as aforesaid. And the managers shall have authority to establish any rules and byelaws for the regulation of the proceedings of said board, and the concerns of said Society, not repugnant to the Laws of the Commonwealth, or the byelaws and orders of said Society. Not less than three managers shall Constitute a quorum for transacting business; and all questions shall be decided by the votes of a majority of the managers present.

SEC. 6. *And be it further enacted*, that any writ or process against said Corporation may be served by the Officers leaving an attested Copy thereof with the Treasurer of said Society or at her usual place of residence, thirty days before the return day thereof, and the said Treasurer, or any agent appointed for that purpose by the society, or by the managers, may appear, by attorney, and defend or prosecute any suit in behalf of said Society.

Service of a writ against the corporation.

SEC. 7. *And be it further enacted*, That all instruments of Conveyance or Contract, which may lawfully be made by said Society, if approved by the board of managers, shall be signed by the first or second Directress, and Countersigned by the Secretary, and, if necessary, sealed with the Common seal of said Society; and when so executed shall bind the said Society and be valid in Law.

Contracts.

First officers.

SECT. 8. *And be it further enacted*, That Hannah Balch shall continue first directress; Sarah Thompson second Directress; Margaret Atwood, Treasurer; Hannah Bartlett Secretary; Anne Norton, Dorcas Noyes Junr., Mary Gage, Elizabeth Epes Carter, Susanna Coffin, Elizabeth Jenkins, and Rebecca Marquand, managers until the second Tuesday in June next, and until a new Election shall be made as aforesaid; and shall be, & they hereby are invested, during said time, with all the powers which are herein given to said Officers, respectively who shall be elected pursuant to this act. *Approved March 15, 1805.*

## 1804.—Chapter 109.

[January Session, ch. 63.]

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER CATHANSE RIVER IN THE COUNTY OF LINCOLN.

Persons incorporated.

Corporate name.

Width of bridge, &amp;c.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, that Zaccheus Beal, Josiah Colby, James Fulton, Elihu Getchel, Robert Patten, David Patten, William Patten, Thomas Reed, Joseph Sprague, and James Sampson, together with such others, as have or may hereafter, associate with them, and their successors, be and they are hereby constituted and made a Corporation and body politic by the name of The Proprietors of Cathanse Bridge, and by that name, may sue and be sued, to final judgment and execution, and may do and suffer all such matters, acts and things, which bodies politic may and ought to do and suffer. And the said Proprietors shall be, and they hereby are authorised to erect a bridge over the said Cathanse river, at the termination of the road, lately laid out and accepted by the town of Topsham to the landing in Bowdoinham. And the said Bridge shall be well built, of good and durable materials, at the least twenty four feet wide, with a draw not less than thirty feet in width which shall be constantly attended and at all times be opened by the Proprietors of the said Bridge when required, through which, vessels may pass both by day and by night without toll—and said bridge shall be twelve feet high at the least, above high water across the Channel. And the said bridge shall be well planked and safely railed: and the said Corpora-

tion shall be liable to pay all damages, which may happen to any person, from whom the toll is demandable, for any damage which shall come from any defect or want of repair, in the said bridge upon a presentment of the Grand Jury of the County of Lincoln.

SEC. 2D. *Be it further enacted*, that for reimbursing to the said Proprietors, their expences in building the said Bridge a Toll be and hereby is granted & established, for the sole benefit of the said Proprietors, according to the rates following, Vizt. For each foot passenger, two cents — for each horse and rider, six cents — for each horse and chaise, chair, sulkey, or other two wheel carriage for pleasure, ten cents — for each coach, chariot, phaeton, curricule, or other four wheel carriage for pleasure, drawn by two horses, twenty five cents, and if drawn by more than two horses, four cents for each horse — for each cart or waggon, sleigh or sled for burthen drawn by one beast, six cents — and if drawn by two beasts, eight cents, and if drawn by more than two beasts, two cents for each beast, for all horses, or neat cattle, singly, or in droves, two cents each, and for sheep and swine, one cent each — and to each team, one person and no more shall be allowed as a driver to pass free from toll: and at all times when the toll gatherer shall not be attending his duty, the passenger or carriage may pass free of toll. And the said toll may be commuted with any person or persons, or with any Corporation, by taking of him or them, a certain sum annually as may be mutually agreed on, in lieu of the toll aforesaid. And after thirty years, from the opening of the said Bridge, the General Court may regulate anew, the rates of toll receivable thereat. And the Proprietors shall erect, and constantly keep in a conspicuous place, and fairly exposed to view, a sign or board, expressing all the tollable articles, and the rate of toll for each article, legibly written or printed thereon, in large or capital letters. *Provided however*, that if the said Proprietors shall for the space of four years, neglect to finish the said Bridge, in a Safe and convenient manner for passing, then this Act shall be null and void.

Toll established.

Toll may be commuted.

Sign-board.

SEC. 3D. *And be it further enacted*, that any three of the persons beforenamed, may call the first meeting of the said Proprietors by an advertisement in the Portland Gazette, in three successive papers, the last publication to be at least fifteen days before the time appointed in such

First meeting.

Officers, bye-laws, &c.

advertisement, for said first meeting. And the said Proprietors by a vote of the majority of those present or represented at said meeting, shall choose a Clerk who shall be sworn to the faithful discharge of said office, and shall also agree on a method of calling future meetings, and at the same or some subsequent meeting or meetings, may elect such other officers, and make and establish such bye-laws and rules, as to them may appear necessary or convenient for the regulation and government of the said Corporation, and for collecting the toll herein granted, and may annex penalties for the breach of any of their rules and bye laws, not exceeding five dollars. And all representations made at said meetings shall be done in writing and filed with the Clerk, and this Act with all the votes and proceedings of the said Corporation, shall be fairly and truly recorded by said Clerk in a book or books for that purpose to be provided and kept.

*Approved March 15, 1805.*

## 1804. — Chapter 110.

[January Session, ch. 64.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE BATH BRIDGE AND TURNPIKE CORPORATION.

Persons incorporated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that Peleg Tollman, Dummer Sewall, Joshua Shaw, William Webb, Samuel Davis, Mark L. Hill, James Curtis, Isaiah Crooker, Dudley B. Hobart and William King, together with such others as may hereafter associate with them, and their successors and assigns, shall be a Corporation, by the name of the Bath Bridge and Turnpike Corporation, and shall have all the powers and privileges which are usually given to similar Corporations, for laying out and making turnpike-roads, and keeping the same in good repair, for the purpose of laying out and making a turnpike-road from Bowdoin College, in Brunswick, to the new Meeting-House in Bath, upon as straight a line as circumstances will admit, and a Bridge over New Meadows River in the same course. And the said turnpike-road shall not be less than four Rods wide, & the part to be travelled on not less than twenty-four feet wide in any part thereof; and when the road shall be sufficiently made, and shall be so

Corporate name.

allowed and approved by a Committee appointed by the Court of General Sessions of the Peace for the County of Lincoln, (provided that no member of said Committee shall have any share or interest in the said turnpike,) then the said Corporation shall be authorized to erect two turnpike-gates on the said road and Bridge, in such manner and place as the said Corporation may judge necessary and convenient for collecting the toll, provided that said Turnpike Gates be not erected on any road heretofore travelled.

Two gates allowed.

SECT. 2. *And be it further enacted*, that the said Corporation may purchase and hold land over which they may make the Said road; and the Justices of the Court of General Sessions of the Peace in the County of Lincoln, are hereby authorized, on the application of the said Corporation, to lay out the said road, or any part thereof, as they, with the consent of the said Corporation, shall think proper; and the said Corporation shall be liable to pay all damages which may arise to any person, by taking his land for such road, where the same cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace for the said County of Lincoln, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways; and if said jury shall increase the damages estimated by such Committee, the said Corporation shall be holden to pay the Costs of such trial by jury.

Corporation may purchase and hold land, &c.

SECT. 3D. *And be it further enacted*, that it shall be lawfull for the said Corporation to demand and receive of each traveller or passenger, the following rates of toll, viz. for every Coach, Chariot, Phaeton or other four wheel carriage, drawn by two horses, twenty-five Cents; and if drawn by more than two horses, an additional sum of four cents for each horse; for every cart or waggon, drawn by two oxen or horses, ten Cents; and if drawn by more than two oxen or horses, an additional sum of three Cents for each ox or horse; for every curricule, fifteen Cents; for every chaise, chair or other carriage, drawn by one horse, twelve and a half Cents; for every man and horse, six Cents and a quarter; for every Sled or sleigh, drawn by two oxen or horses, eight cents; and if drawn by more than two oxen or horses, an additional

Toll established.

sum of two Cents for each ox or horse ; for every Sled or sleigh, drawn by one horse, six Cents and a quarter ; for all horses, mules, oxen or neat cattle, led or driven, beside those in teams or carriages, one cent each ; for every foot passenger at the gate of said Bridge, three Cents ; and for all Sheep and swine, at the rate of three Cents by the dozen ; and in that proportion for a greater or lesser number : *Provided however*, that the said Corporation may, if they see cause, commute the rate of toll with any person or persons, or with any Corporation, by taking of him or them a certain sum annually, to be mutually agreed on, in lieu of the toll aforesaid. And the said Corporation shall, at each place where the toll shall be collected, erect in some conspicuous place, and constantly keep exposed to open view, a sign-board, with the rates of toll of all the tollable articles, fairly and legibly written thereon, in large or capital characters : *Provided also*, that not more than half the rate of toll aforesaid shall be demanded for carts and waggons the fellies of which shall not be less than six inches in width ; and the General Court shall have the right otherwise to regulate the toll on carts and waggons, according to the width of the fellies of the wheels on which they shall run, and the burthen they shall carry.

Provision for  
wagons with  
broad fellies.

Penalty for in-  
juring the gate  
or road.

SECT. 4. *And be it further enacted*, that if any person shall cut, break down, or otherwise injure or destroy either of the said Turnpike-Gates, or shall dig up, or carry away, any earth from the said road ; or in any other manner damage the same ; or shall forcibly pass, or attempt to pass the said gate by force, with intent to avoid the payment of the legal toll at such gate, such person shall forfeit and pay a fine not exceeding ten dollars, nor less than five dollars, to be recovered by the treasurer of the said Corporation, to their use, in an action of trespass. And if any person, with his team, cattle or horse, shall turn out of the said road, to pass the said turnpike-gate, and again enter on said road, with intent to evade the toll due by virtue of this act, such person shall forfeit and pay two dollars, to be recovered by the treasurer of the said Corporation, to the use of the same, in an action of debt.

Penalty for de-  
laying travellers  
or exacting ex-  
cessive toll.

SECT. 5. *And be it further enacted*, that if the said Corporation, or their toll gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or



passenger, or shall demand and receive more toll than is by this act established, the said Corporation shall forfeit and pay a sum not exceeding ten dollars, nor less than two dollars, to be recovered before any justice of the peace for the County of Lincoln, by any person injured, delayed or defrauded, in a special action of the case, the writ in which shall be served on the said Corporation, by leaving a Copy of the same with the treasurer, or with some individual member living in the County of Lincoln, or by reading the same to the said treasurer or individual member, at least seven days before the day of trial, and the said treasurer or individual member, shall be allowed to defend the same suit in behalf of the said Corporation; and the said Corporation shall be liable to pay all damages which may happen to any person from whom the toll is demandable, for any damage which may arise from defect of Bridges or want of repairs in the said way; and shall also be liable to presentment by the grand jury, for not keeping the same in good repair.

SECT. 6. *And be it further enacted*, that whenever any Proprietor shall neglect or refuse to pay any assessment duly voted and agreed upon by said Corporation, to their treasurer within sixty days after the time set for the payment thereof, the treasurer of the said Corporation is hereby authorized to sell, at public vendue, the share or shares of such delinquent proprietor, one or more, as shall be sufficient to defray the said taxes and necessary incidental charges, after having given public notice of such sale in one of the newspapers printed at Portland, the sum due on any such shares, and the time and place of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing the same, and producing a Certificate of such sale from the treasurer to the Clerk of the said Corporation; the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered, to all intents and purposes, the proprietor thereof; and the overplus, if any there be, shall be paid on demand by the treasurer, to the person whose shares were so sold.

Shares of delinquent proprietors to be sold.

SECT. 7. *And be it further enacted*, that the said Corporation shall, within six months after the road is completed, lodge in the Secretary's Office an account of the expences thereof; and that the said Corporation shall

Account of cost of road and annual statements to be exhibited.

annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on the said road; and that the books of the said Corporation shall, at all times, be subject to the inspection of a Committee to be appointed by the General Court and to the inspection of the Governor and Council when called for.

Corporation  
may be dis-  
solved when  
indemnified  
with interest.

SECT. 8. *And be it further enacted*, that the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction that the income arising from the toll shall have fully compensated the said Corporation for all monies they may have expended, in purchasing, repairing and taking care of the said road, together with an interest thereon, at the rate of twelve per cent, by the year; and thereupon the property of the said road shall be vested in this Commonwealth and be at their disposal: *Provided however*, that if the said Corporation shall neglect to complete the said turnpike-road, for the space of five years from the passing this act, the same shall be void and of no effect.

*Approved March 15, 1805.*

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1804. — Chapter 111.

[January Session, ch. 65.]

AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER KENNEBECK RIVER AT SKOWHEGAN FALLS IN THE TOWN OF CANAAN.

Preamble.

*Whereas the erecting a Bridge over Kennebeck river at Skowhegan Falls would be of great public utility, and Daniel Steward and others have petitioned this Court for an act of incorporation to empower them to build said Bridge.*

Persons incor-  
porated.

SECT. 1. *Be it therefore enacted, by the Senate and House of Representatives in General Court assembled and by the authority of the same*, that Daniel Steward, Bryce McClellan, Seth Currier, Judah McClellan, and James Bridge, with all those who have associated for the purpose, together with all those who shall hereafter become Proprietors in said Bridge, shall be a Corporation and Body Politic under the name of “The Proprietors of Skowhegan Bridge” and by that name may sue and prosecute, be sued and prosecuted, to final judgment and execution, and do and suffer all other acts and things which

Corporate  
name.

bodies politic may and ought to do and suffer, and that said Corporation shall have full power and authority to make have and use a common seal, and the same to break, alter and renew at pleasure.

SECT. 2. *And be it further enacted*, that Daniel Steward and Bryce McClellan may by advertisement in the Kenebeck Gazette, printed in Augusta by Peter Edes, warn and call a meeting of the aforesaid proprietors, to be holden in Canaan aforesaid, at any suitable time after fourteen days from the publication of such advertisement, and the said Proprietors by a vote of a majority of those present, accounting and allowing one vote to each share (provided no person shall be entitled to more than ten votes) shall choose a Clerk, who shall be sworn to the faithful discharge of his office; also may at the same, or at any subsequent meeting, choose such other officers, as may be found necessary for managing the business of said Corporation; and shall agree on a method of calling future meetings; and at the same or at any subsequent meeting may make and establish such rules and regulations as shall be deemed convenient or necessary for regulating said Corporation, effecting completing and executing the purposes aforesaid; and for collecting the toll herein granted; and the same rules and regulations may cause to be observed and executed, and for the breach of any of them, may order & enjoin fines and penalties not exceeding thirteen dollars and thirty three Cents; *provided* that said rules and regulations be not repugnant to the Laws and Constitution of this Commonwealth.

First meeting.

SECT. 3D. *And be it further enacted by the authority aforesaid*, that the said Bridge shall be erected, placed & extended as follows to wit, from the northwardly bank of said Kennebeck river to Skowhegan Island, and from said Island to the Southwardly bank of said river, near the Store occupied by Seth Currier, shall be built of good and sufficient materials, not less than twenty four feet wide, and well covered with plank or timber suitable for such a Bridge, with sufficient rails on each side for the safety of passengers.

Location of bridge.

SECT. 4TH. *And be it enacted by the authority aforesaid*, that for the purpose of reimbursing the said Proprietors of Skowhegan Bridge, the money expended and to be expended in building supporting and keeping in repair the said Bridge, and for indemnifying them for their

Toll established.

risque, a toll be and hereby is granted and established for the sole benefit of said Corporation according to the rates following viz., for each foot passenger or one person passing said [said] Bridge two Cents; one person and horse, Six Cents, and a quarter of a Cent; single horse cart, sled or sleigh twelve Cents and a half Cent; each wheelbarrow, hand cart, and every other vehicle capable of carrying a like weight four Cents; each team including Cart, sled or sleigh drawn by more than one beast and not exceeding four, twenty five Cents, and for every additional beast, above four, two Cents; each single horse and chaise, chair or sulky twenty Cents; each Coach Chariot Phaeton and curricule, thirty seven Cents and a half Cent; neat cattle and horses, exclusive of those rode on or in carriages, or in teams, two Cents each; Sheep and swine for each dozen six Cents and a quarter of a Cent, and at the same rate for a greater or less number, and in all cases the same toll shall be paid for all carriages passing said Bridge whether the same be loaded or not, and to each team, one man and no more, shall be allowed as a driver to pass free from payment of toll, excepting all persons, who shall actually be on military duty shall be permitted with their baggage to pass said Bridge free of toll, and at all times when the toll gatherer shall not attend his duty at the said Bridge, the gate or gates shall be left open. And the said toll shall commence on the day of the first opening of the said Bridge for passengers, and shall continue for and during the term of seventy five years from the said day, and be collected as shall be prescribed by said Corporation: *Provided* the said proprietors shall at all times keep the said Bridge in good and passable repair, and at the end of said term of Seventy five years, the said Bridge shall be delivered over in good repair to, and for the use of this Commonwealth. *Provided also* that at the place where the toll shall be collected, there shall be erected by the said Corporation and constantly exposed to open view a board or sign upon which shall be written the rates of toll and all the tollable articles in large or capital letters.

Duration of  
the toll, &c.

Time for build-  
ing the bridge.

SECT. 5TH. *And be it further enacted*, that if the said Corporation shall neglect or refuse for the space of seven years from the passing of this act to build and complete said Bridge then this act shall be void, and of no effect.

*Approved March 15, 1805.*

1804. — Chapter 112.

[January Session, ch. 66.]

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT TO REPEAL IN PART, AND FOR MAKING FURTHER ADDITIONS TO THE ACT, ENTITLED "AN ACT TO PREVENT FRAUD, AND DECEPTION IN PACKING OF PICKLED FISH, AND TO REGULATE THE SIZE AND QUALITY OF THE CASKS, AND THE EXPORTATION THEREOF FROM THIS COMMONWEALTH, AND TO REPEAL ALL LAWS HERETOFORE MADE FOR THIS PURPOSE," PASSED MARCH THE NINTH EIGHTEEN HUNDRED AND FOUR."

SEC. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that there shall be added a third quality to the pickled fish called Salmon, Shad, and Mackerell, which shall consist of the poorest, and thinnest of those kinds of pickled fish, that are sweet and wholesome, which shall be branded Cargo No. three; and the Heads of all casks containing pickled Fish, shall be plained on the out side, that the brands may be fair and legible.

Third quality  
of pickled fish  
established.

SEC. 2. *Be it further Enacted,* that all persons in this Commonwealth, who shall have fish for packing and pickling, either in bulk or in Cask, to the amount of twenty barrels in one season, such owners shall furnish the Inspector General, or his Deputies, with a branding Iron, containing the first letter of their Christian name, and their surname at large; and the Inspector General or his Deputies, shall cause the name of such owner to be fairly branded on the head of every Cask of their inspected fish; and if any such owner of fish shall refuse and neglect to furnish the Inspector, or his Deputy, with such brand as aforesaid, he or they shall forfeit and pay not less than five dollars, nor more than twenty dollars, for such offence, which fines shall be recovered and appropriated as is provided for fines and forfeitures in the first Act, to which this [*is*] in addition.

Owners to  
furnish brands.

SEC. 3D. *Be it further enacted,* that all Bills for the legal fees of Inspection and Certificates, which are to be paid by the Exporter, as provided in the seventh section of An Act to prevent fraud and deception in packing of pickled Fish, and to regulate the size and quality of the Casks, and the exportation thereof from this Common-

Fees.

wealth, and to repeal all laws heretofore made for this purpose, shall, in the first instance, be paid by the owner or employer, to the Inspector General, or his Deputies, and all such owners of pickled fish are hereby authorized and empowered to demand and recover such legal fees from the Exporter, and this Act shall be in full force, and operation from, and after the first day of May next.

*Approved March 15, 1805.*

### 1804. — Chapter 113.

[January Session, ch. 67.]

AN ACT FOR DETERMINING THE TIMES AND PLACES FOR HOLDING THE SEVERAL COURTS OF COMMON PLEAS IN THE COUNTY OF YORK.

New terms.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act — the times and places for holding the Courts of Common Pleas, within and for the County of York shall be as follows, vizt. at York, within and for the County of York, on the fourth Monday of April; — at Waterborough, within and for the County of York, on the fourth Monday of August; — at Biddeford, within and for the County of York, — on the first Monday of December.

Business transferred.

SEC. 2. *Be it further enacted,* That all actions, Suits, writs, processes, appeals, & recognizances, already taken, commenced, sued out or made; or that hereafter may be commenced, sued out or made returnable at York, on the third tuesday of April next, or on the third Monday of April next; — And all Actions suits, processes recognizances and prosecutions of every kind, now pending, or that may be pending, in the Court of Common Pleas which was to be holden at York, aforesaid, on the third Tuesday of April next, or on the third Monday of April next, shall be returnable to, entered, proceeded upon, & tried before the said Court, to be holden by virtue of this Act, at York on the fourth Monday of April next.

Laws repealed.

SEC. 3. *Be it further enacted,* — That all the Laws heretofore made, & now in force, determining the times for holding the several Courts aforesaid, be, and the same hereby are repealed.

*Approved March 15, 1805.*

1804. — Chapter 114.

[January Session, ch. 68.]

AN ACT IN ADDITION TO THE ACTS FOR INCORPORATING  
SUNDRY PERSONS FOR THE PURPOSE OF BUILDING A  
BRIDGE OVER MERRIMACK RIVER AT PATUCKET FALLS  
BETWEEN THE TOWNS OF CHELMSFORD AND DRACUT, IN  
THE COUNTY OF MIDDLESEX, AND FOR SUPPORTING THE  
SAME.

SEC. 1. *Be it enacted by the Senate and House of  
Representatives in General Court assembled, and by the  
authority of the same,* That the following rates of Toll be, Additional toll.  
& hereby are, established for the benefit of the Proprie-  
tors of the said Bridge, in addition to the rates of Toll  
heretofore established: For each foot passenger five Milles  
— For each horse & rider One cent & five milles; for each  
additional rider, One cent; for each cart or other carriage  
of burthen drawn by One beast, two cents & five Milles;  
for each waggon cart or other carriage of burthen drawn  
by two beasts seven cents and five Milles; for each addi-  
tional beast one cent; for each coach, chariot, Phaeton  
or other four wheel carriage for passengers seven cents;  
for each curricule, three cents; for horses and neat Cattle  
one cent each; for Sheep and Swine five Milles each; for  
a wheel barrow & hand cart, with one person one cent; for  
each horse-chaise, chair or Sulkey four cents & five Milles.

SEC. 2. *And be it further enacted,* That no toll shall Exceptions.  
be demanded from any person or persons passing on mil-  
itary duty.  
*Approved March 15, 1805.*

1804. — Chapter 115.

[January Session, ch. 69.]

AN ACT FOR FIXING THE TIMES AND PLACES OF HOLDING  
THE COURTS OF PROBATE WITHIN AND FOR THE COUNTY  
OF MIDDLESEX.

SEC. 1. *Be it enacted by the Senate and House of  
Representatives, in General Court assembled, and by the  
authority of the same,* That the Courts of Probate within New terms.  
and for the County of Middlesex, shall, from and after  
the first day of April next, be holden at the several times  
and places hereafter mentioned, that is to say, at Cam-  
bridge on the first Tuesdays in January, July, September  
and November, and on the second Tuesdays of March and

May, annually; at Concord, on the first Tuesdays in February, June, August, October, and December, — and on the second Tuesday in April, annually; — at Framingham, on the third Tuesday in January, and second Tuesday in June, annually; — at Woburn, on the third Tuesday in April, annually; and at Groton, on the third Tuesdays in May and October, annually.

Former act repealed, &c.

SEC. 2. *Be it further enacted*, That no Courts of Probate shall be holden within or for said County of Middlesex, except those commencing on the days, and at the places aforesaid, any usage or custom to the contrary notwithstanding; — And that an Act for fixing the times and places of holding Courts of Probate within and for the County of Middlesex, passed on the eighth day of March in the year of our LORD One thousand eight hundred and three, be, and hereby is repealed.

*Approved March 15, 1805.*

## 1804. — Chapter 116.

[January Session, ch. 70.]

AN ACT TO CONTINUE IN FORCE AN ACT ENTITLED AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT AND DIRECTORS OF THE NANTUCKET BANK.

*Be it Enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same*, that the Corporation and Body Politick created by an Act, entitled an Act to incorporate sundry persons by the Name, and Style of the President and Directors of the Nantucket Bank, may and shall continue to be a Corporation, and body politic untill the last day of June next, in the same manner, as if the said Corporation and Body Politic had been continued to that time in and by the first Section of the Act aforesaid; and that the said Act, and also an Act, entitled an Act in addition to an Act, to incorporate sundry persons by the Name of the President and Directors of the Nantucket Bank, passed the first day of March, in the Year of our Lord one thousand seven hundred and Ninety-seven, together with all the privileges and immunities granted to the said Corporation, in and by the said several Acts, and all the duties, conditions and limitations therein imposed, shall be, and continue in force untill the said last day of June next; any thing in the said several Acts to the contrary notwithstanding.

*Approved March 15, 1805.*



### 1804. — Chapter 117.

[January Session, ch. 71.]

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT IN ADDITION TO AN ACT, ENTITLED AN ACT IN ADDITION TO THE SEVERAL ACTS FOR REGULATING ELECTIONS AND FOR REPEALING THE FIRST SECTION OF SAID ACT."

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that any meeting mentioned in the first section of the act, entitled An Act in addition to an Act, entitled an Act in addition to the several Acts for regulating elections, and for repealing the first section of said Act, passed March the seventh, one thousand eight hundred and three, in any town, where the number of qualified voters shall exceed five hundred, may be opened at an earlier hour than eleven of the Clock in the forenoon, of the day of Election, at the discretion of the Selectmen of such town, any thing in said Act to the contrary notwithstanding.

Town meetings may be opened earlier than heretofore.

SEC. 2. *And be it further enacted,* that in any town, where the number of qualified Voters shall exceed one thousand, it shall be the duty of the Selectmen of such town to be in session at some convenient place, on the day immediately preceding such meeting, and where this shall happen on Sunday, then on the Saturday immediately preceeding such meeting, and for a time as much longer, previous to said day, as they shall judge necessary, to receive the evidence of the qualifications of persons mentioned in the first Section of the Act to which this is an addition.

Selectmen to sit to receive evidence of the qualifications of voters.

*Approved March 15, 1805.*

### 1804. — Chapter 118.

[January Session, ch. 72.]

AN ACT TO ESTABLISH A CORPORATION, BY THE NAME OF THE TYRINGHAM AND LEE TURNPIKE CORPORATION.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Roswell Richards, Seth Phillips, John Hulet, Hurd Price, Samuel Davis, Samuel Phillips, Benjamin Prichard, Thomas C. Judd, George Heath, Roswell Bill, Samuel Hulet, Stephen Couch, Daniel Couch, Isaac Webster, Owen Swift, John Keep,

Persons incorporated.

Corporate  
name.

Course of the  
road.

Gate allowed.

Joseph Lillie, Abel Hall, Abijah Merrell, Samuel Hulet (of Lee) James Whitehead, Horatio G. Brown, Abraham Howk (of Lee) Joseph Rhoades, Elijah Peet, Elijah Kilborn, Job Hall, Jeremiah Leaming, Daniel Phelps, Nathaniel Rice, Jonathan Smith, Eli Picheet, Aaron Chapin, Joseph Buel, Ezra D. Roys, Asa Marbham, Grove Smith, John Garfield, David Hobbs, Penuel Hobbs, Samuel Barker Junr., Alexander Barber, Elijah Heath, John Couch Junr., & Silvanus Hulet, together with such persons as may hereafter associate with them, and their successors and assigns, shall be a Corporation, by the name of the Tyringham and Lee Turnpike Corporation, and by that name may sue and prosecute, and be sued and prosecuted, unto final judgment and Execution; and have and use a Common Seal; and exercise and Enjoy all other powers and privileges, which are incident and usually given to similar corporations; for the purpose of laying out, making, and keeping in good repair, a turnpike road, between Tyringham and Lee, in the County of Berkshire, as followeth; beginning at the termination of the Sheffield and Tyringham Turnpike, near the dwelling house of Joseph Buel in Tyringham aforesaid, thence northerly, by the most favourable route, to near the dwelling House of Roswell Richards, in said Tyringham, thence by the most favourable route, to the notch of the mountain, north of the dwelling house of Eli Picheet, in said Tyringham, thence by the most favourable route, to near the dwelling house of Benjamin Prichard, in Great Barrington, thence, by the most favourable route, to near the dwelling House of Joseph Rhoades in said Great Barrington, thence, by the most favourable route, to near the dwelling house of Royal Hulbert, in Lee, thence by the most favourable route, to the road leading from Stockbridge to Springfield, near Lee Forge Bridge (so called) in Lee. And the said road shall not be less than four rods wide, and the path to be travelled on, not Less than twenty feet wide, in any part thereof. And when the said turnpike road shall be well and sufficiently made, and shall be so approved by a Committee to be appointed by the Court of Common Pleas, within and for the County of Berkshire, then the said Corporation shall be authorized to erect one turnpike gate, on the said road, in such place and manner as shall be appointed by a Committee of the Court of Common Pleas within and for said

County of Berkshire; *provided* that said turnpike gate shall not be erected on any road at present travelled.

SECTION 2. *Be it further enacted*, That the said Corporation may purchase & hold land, over which they may make said road; and the Justices of the Court of General Sessions of the Peace within and for said County, are hereby authorized, on the application of the said Corporation, to lay out the said road, or any part thereof, as they, with the consent of said Corporation, shall think proper by a Committee appointed by said Court; and the said Corporation shall be liable to pay all damages, which may arise to any person, by taking his land for such road (when the same cannot be obtained by voluntary agreement) to be estimated by said Committee saving to either party the right of trial by jury, according to the law which makes provision for the recovery of damages arising from laying out high ways; and if said Jury shall encrease the damage estimated by such Committee, the said Corporation shall be holden to pay the cost of such Jury trial.

Corporation may purchase and hold land and to be liable for damages where same is taken without agreement.

SECTION 3. *Be it further enacted*, That it shall be lawful for the said Corporation to demand and receive, of each traveller or passenger, the following rates of toll, viz. for every Coach, Chariot, Phaeton, or other four wheel-carriage, drawn by two horses, twenty five Cents, and if drawn by more than two horses, an additional sum of four Cents for each horse; for every cart or waggon drawn by two oxen or horses, twelve cents, and five mills, and if drawn by more than two oxen or horses, the additional sum of three Cents for each ox or horse; for every curricule, chaise, chair, or other carriage drawn by one horse, twelve Cents and five mills; for every man and horse five Cents; for every Sled or Sleigh, drawn by two oxen or horses, seven Cents; and if drawn by more than two oxen or horses, an additional sum of two Cents for each additional ox or horse; for every Sled or Sleigh drawn by one horse, six Cents; for all horses, mules, oxen, or neat Cattle, led or driven, besides those in teams, one cent each; for all sheep or swine, at the rate of three cents per dozen; *Provided*, that said corporation may, if they see fit commute the rate of toll with any person, or with the Inhabitants of any town, by taking of him or them, a certain sum annually, to be mutually agreed upon, in lieu of the toll aforesaid. *Provided* that not

Toll established.

more than half the Toll before mentioned shall be paid for any Cart or Waggon the Fellies of the wheels of which shall not be less than six Inches broad and that the General Court may hereafter regulate the Toll on Carts and waggons according to the width of the Fellies of the wheels on which they shall run and the Burthen they shall carry.

Penalty for injuring the gate or road.

SECTION 4. *Be it further enacted*, That if any person shall cut, break down, or otherwise injure or destroy the said Turnpike gate, or shall dig up or carry away any earth from the said road or in any other manner damage the same, or shall forcibly pass, or attempt to pass the said gate by force, with intent to avoid the payment of the legal toll at such gate, such person shall forfeit & pay a fine, not exceeding ten dollars nor less than five dollars, to be recovered by the treasu[r]er of said Corporation, to their use, in an action of trespass. And if any person, with his team, cattle, or horse, shall turn out of said road, to pass the said Turnpike gate, and again enter on said road, with intent to evade the toll due by virtue of this Act, such person shall forfeit and pay two dollars, to be recovered by the treasurer of said Corporation, to the use of the same in an Action of Debt. *Provided, however*, that nothing in this act shall extend to entitle the said corporation to demand or receive Toll of any person, who shall be passing on foot, or with his horse or Carriage, to or from Public Worship, or [i][o]f any person for himself or his servants, horses, cattle, sheep, team, Cart, Sled or Sleigh passing to or from his farm or land; or of any person passing to or from Mill, or on the common and ordinary business of Family concerns, or on Military duty.

Penalty for delaying travellers, &c.

SECTION 5. *Be it further enacted*, That if the said Corporation, or their toll gatherers, or others in their employ shall unreasonably delay or hinder any traveller or passenger, or shall demand or receive more toll than is by this Act established, the said Corporation shall forfeit & pay a sum not exceeding ten dollars, nor less than five dollars, to be recovered before any Justice of the Peace for the County of Berkshire, by any person injured, delayed or defrauded, in a Special Action on the case; the writ in which case shall be served on the said Corporation, by leaving a Copy of the same with the treasurer, or with some individual member, living within

the County of Berkshire, or by reading the same to the said treasurer or individual member, at least seven days before the day of trial; and the said treasurer or individual member, shall be allowed to defend the same suit in behalf of the said Corporation; and the said Corporation shall be liable to pay all damages which may happen to any person from whom toll is demandable, for any injury which may be occasioned by defect of Bridges, or want of repairs in said way; and shall be also liable to presentment by the grand Jury, for not keeping the same in good repair.

SECT. 6. *Be it further enacted*, That the shares in the same Turnpike road, shall be taken, and deemed, and considered to be personal estate, to all intents and purposes, and shall & may be transferable; and the mode of transferring the said shares, shall be by deed, acknowledged before any Justice of the Peace, and recorded in a Book to be kept for that purpose by the Clerk of said Corporation; and such shares shall be liable to attachment and execution.

Shares to be considered personal estate; mode of transfer.

SECTION 7. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the corporation, to their treasurer, within sixty days after the time set for the payment thereof, the treasurer of said Corporation is hereby authorized to sell at Public Vendue, the Share or Shares of such delinquent proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in some newspaper, printed in the County of Berkshire, the sum due on any such share or shares & the time and place of sale, at least twenty days previous to the day of sale, and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing; and on producing a certificate of such sale from the treasurer, to the clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the book of said Corporation; and such person shall be considered, to all intents and purposes, the proprietor thereof; and the overplus, if any there be, shall be paid, on demand, by the treasurer, to the person whose share or shares shall have been thus sold.

Shares of delinquents to be sold.

SECTION 8. *Be it further enacted*, That Roswell Richards, John Hulet and Abijah Merrell, or any two of

First meeting.

them, may appoint and notify a meeting of said Corporation, for the purpose of choosing a Clerk (who shall be under Oath) and such other Officers as may then be determined upon by said Corporation, for regulating the concerns thereof; and the said corporation may then and there agree upon such method of calling future meetings, as they may judge proper.

Account of  
cost of road and  
annual state-  
ments to be  
exhibited.

SECTION 9. *Be it further enacted*, That the said Corporation shall, within six months after the said road is compleated, lodge in the Secretary's office, an Account of the expences thereof; and the said Corporation shall annually exhibit to the Governor and Council, a true Account of the income or dividend arising from said toll, with their necessary annual disbursements on said road; and that the books of said corporation shall be at all times subject to the inspection of a Committee of the General Court, and to the inspection of the Governor and Council, when called for.

Corporation  
may be dis-  
solved when  
indemnified  
with interest.

SECTION 10. *Be it further enacted*, That the General Court may dissolve the said Corporation, when ever it shall appear, to their satisfaction, that the income arising from the toll shall have fully compensated the said Corporation for all monies they may have expended, in purchasing, repairing, and taking care of said road, together with an interest thereon at the rate of twelve per cent. by the year; and thereupon the property of the said road shall be vested in this Commonwealth, and be at their disposal. *Provided, however*, that if the said Corporation shall neglect to complete the said turnpike road, for the space of three years from the passing of this Act, the same shall be void, and of no effect.

*Approved March 15, 1805.*

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## 1804. — Chapter 119.

[January Session, ch. 73.]

AN ACT TO INCORPORATE THE PROPRIETORS OF THE BRANCH CHURCH IN SALEM IN THE COUNTY OF ESSEX.

Proprietors  
incorporated.

SECT. 1ST. *Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that the persons who now are, and who hereafter shall be, proprietors of the Branch Church in Salem in the County of Essex, wherein the Rev. Joshua Spaulding now officiates, and of the land under and adjoining the same, be and they hereby are, incorporated

and made a body politic and Religious Society, by the name of the “ Branch Society ” and in that name may sue and be sued, and shall be invested with all the powers, privileges and immunities to which similar Societies in this Commonwealth are entitled by law, and shall be capable of purchasing and holding estate real or personal for the use of said Society, provided the annual income thereof, beside the House, shall not exceed at any time the value of Three thousand dollars.

Corporate name.

SECT. 2D. *Be it further enacted*, that the Proprietors of said House, be, and they hereby are, authorized and empowered to raise by an assessment on the pews and seats in said House, such sum or sums of money for the settlement and maintenance of a Minister or Ministers, repairing said House and other expences of Public Worship, with incidental charges. as they shall agree on at any legal meeting called for that purpose, and the same may assess or cause to be assessed upon such pews and seats as the proprietors at any such meeting shall deem proper, according to the respective valuation made thereof and recorded in the Proprietors Book, and the sums so assessed shall be paid by the Proprietors of such pews and seats, and if any proprietor shall neglect to pay such assessment which shall have been legally made, for the space of one year the Treasurer of said Society shall be authorized and empowered to sell all the estate and interest of such delinquent proprietor in said Corporation at public auction, first giving notice thereof fourteen days at least previous to the sale by posting up notifications at two of the doors of said House, and upon such sale to execute good and sufficient deed or deeds thereof, and after deducting said delinquent's assessment with legal interest thereon from the time of the assessment with incidental charges the Treasurer shall pay the surplus if any there be, to such delinquent proprietor.

Money to be raised by assessments on the pews.

Pews of delinquents may be sold.

SECT. 3D. *Be it further enacted*, that Ezekiel Savage Esqr., be, and he hereby is empowered and directed to issue his warrant to some principal member of the said Corporation requiring him to warn the members thereof to meet at such time and place as shall be therein set forth, to choose a moderator and a Clerk, who shall be duly sworn, a Treasurer and such other officers as the proprietors shall judge necessary, and the moderator of that and all future meetings shall have power to administer the oath of office to the Clerk.

First meeting.

*Approved March 15, 1805.*

## 1804. — Chapter 120.

[January Session, ch. 74.]

## AN ACT AGAINST FORGERY AND COUNTERFEITING.

Punishment for  
counterfeiting  
certain papers  
enumerated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if any person shall falsely make, alter, forge or counterfeit, or shall procure to be falsely made, altered, forged or counterfeited, or shall willingly aid or assist in falsely making, altering, forging or counterfeiting any public Record, any Certificate or attestation of a Justice of the peace, public Register, Notary Public, Clerk of any Court, Town Clerk or other public Officer, in any matter wherein such their Certificate or attestation is receivable and may be taken as a legal proof; any Charter, deed, will, testament, bond or writing obligatory, letter of Attorney, policy of insurance or bill of exchange; any promissory note, order, acquittance or discharge, for or upon the payment of money or delivery of goods; or any acceptance of a bill of exchange; or any indorsement or assignment of a bill of exchange or promissory note, for the payment of money; any accountable receipt for money or goods, or for any note, bill or security for money or goods; or any lottery ticket in any lottery legally authorized and licenced within this Commonwealth; or shall utter or publish as true, any such false, altered, forged or counterfeit record, certificate, or attestation, charter, deed, will, testament, bond, or writing obligatory, letter of attorney, policy of insurance, bill of exchange, promissory note, acceptance, endorsement, assignment, order, acquittance, discharge, accountable receipt, or lottery ticket, knowing the same to be false, altered, forged or counterfeit, with intent to injure or defraud any person, or any body politic or corporate, then every person, so offending in either of the particulars aforesaid, who shall be thereof duly convicted in the Supreme Judicial Court, shall be punished by solitary imprisonment, for a term, not exceeding six months, and by confinement afterwards to hard labour, for a term not less than two years and not exceeding ten years.

Punishment for  
counterfeiting  
any certificate  
of public debt,  
bank bill, &c.

SECT. 2. *Be it further enacted,* That if any person shall falsely make, alter, forge or counterfeit, or shall procure to be falsely made, altered, forged or counterfeited,



or shall willingly aid, or assist in falsely making, altering, forging or counterfeiting any note, certificate or other bill of credit, which hath been or may be issued by the Treasurer or other Commissioner or Commissioners duly authorized, for any debt of this Commonwealth; or any bank bill, or promissory note payable to the bearer, signed in behalf of any Company or Corporation, by law licenced and authorized as a Bank within this Commonwealth, or payable and demandable therein at the Office of any Banking Company incorporated by any law of the United States; or if any person, having knowledge of such false making, altering, forging and counterfeiting, shall willingly aid or assist in altering or rendering current as true any such false, altered, forged or counterfeit notes, certificates, bills of credit, bank bills, or notes, and for that purpose shall possess, at any one time, any number, not less than ten, of such similar, false, altered, forged or counterfeit Notes, Certificates, or Bills of Credit, Bank bills or notes, knowing the same to be false, altered, forged or counterfeit as aforesaid, with intent to utter or pass the same, and thereby to injure or defraud this Commonwealth, any body politic or corporate, or any person or persons, then every person, so offending in either of the particulars aforesaid, who shall be thereof duly convicted in the Supreme Judicial Court, shall be punished by solitary imprisonment, for a term not exceeding one year; and by confinement, afterwards, to hard labour, for and during his or her life.

SECT. 3. *Be it further enacted*, that if any person shall utter, or tender in payment as true, any such false, altered, forged or counterfeit note, certificate or bill, of any debt of this Commonwealth, bank bill or promissory note, payable to the bearer, by any Bank as aforesaid, knowing the same to be false, altered, forged or counterfeit, with intent to injure or defraud this Commonwealth, any body politic or corporate, or any person or persons, Every person so offending, and who shall be duly convicted thereof in the Supreme Judicial Court, shall be punished by solitary imprisonment, for a term not exceeding thirty days; and by confinement, afterwards, to hard labor, for a term not exceeding three years; or by a fine, not exceeding one thousand dollars, and by binding to the good behavior for two years; at the discretion of the Justices of the said Court, before whom the conviction may be. And if, after any such conviction, the same

Punishment for passing any counterfeit certificate of public debt, bank bill, &c.

Punishment  
for repeating  
the offence.

person shall be guilty a second time of the like offence, and shall be duly convicted thereof in the Supreme Judicial Court; or if in the Supreme Judicial Court, at the same term thereof, any person shall be duly charged and convicted of the said offence in three several instances, then such person may be adjudged to be a common utterer of Counterfeit Bills, and shall be punished by solitary imprisonment for a term not exceeding one year, and by confinement afterwards to hard labor for a term, not less than two years and not exceeding ten years.

Punishment for  
bringing into  
the state, with  
intent to pass,  
counterfeit  
bills, &c.

SECT. 4. *Be it further enacted*, That if any person shall bring into, or shall have in his possession within this State, any false, forged, and counterfeit bill or bills, Note or notes, in the similitude of the bills or notes payable to the bearer thereof, issued by or for any bank or banking Company, which is or shall be established within this State, or in any other part of the United States, for the purpose of rendering the same current as true, or with intent to pass the same, knowing the same to be false, forged and counterfeit, every such offender, upon due conviction thereof, before the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term, not exceeding three months; and by confinement, afterwards, to hard labor, for such term, not exceeding three years; or by a fine not exceeding one thousand dollars, and imprisonment in the common gaol, not exceeding one year; as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Punishment  
for making,  
mending, or  
possessing, any  
tool, &c. to be  
used in counter-  
feiting bills, &c.

SECT. 5. *Be it further enacted*, that if any person shall engrave, form, make, or mend, or shall begin to engrave, form, make or mend, any plate or plates, paper, rolling-press, or other tool, instrument or material, devised, adapted and designed for the stamping, forging and making, any false and counterfeit Certificates, Bills, or notes, which have been or which shall be issued as aforesaid, by or for any debt of this Commonwealth, or by or for any Bank or Banking Company, which is or shall be established in this State, or in any other part of the United States; or shall have in his possession any such plate or plates, engraven in any part, or any paper, rolling-press, or other tool, instrument or material, devised, adapted and designed as aforesaid, with the intent to use and employ the same, or to cause or permit the same to be used

and employed in forging and making any such false and counterfeit certificates, bills or notes, every person, so offending, who shall be thereof duly convicted before the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term, not exceeding three months, and by confinement, afterwards, to hard labor, for such term, not exceeding three years; or by fine, not exceeding five hundred dollars; and by imprisonment in the common gaol, for such term, not exceeding one year; as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

SECT. 6. *Be it further enacted*, that if any person shall forge or counterfeit, or shall procure to be forged or counterfeited, or shall willingly aid or assist in forging or counterfeiting, any gold or silver coin, current within this Commonwealth, by the laws or usages thereof; or if any person, knowing of such forging and counterfeiting, shall willingly aid or assist in passing and rendering current as true, any such forged or counterfeit coin, and for that purpose shall, at any one time, possess any number, not less than ten of similar pieces of false money or coin, forged and counterfeited to the similitude of the gold or silver money or coin current as aforesaid, with intent to utter the same as true, knowing the same to be false, forged and counterfeit, every person, so offending in either of the particulars aforesaid, who shall be duly convicted thereof in the Supreme Judicial Court, shall be punished by solitary imprisonment, for a term not exceeding one year, and by confinement, afterwards, to hard labor for and during his or her life.

Punishment  
for counterfeit-  
ing or passing  
any gold or  
silver coin, &c.

SECT. 7. *Be it further enacted*, That if any person shall bring into this State or shall possess within the same, any number of similar pieces of false money or coin, forged and counterfeited as aforesaid, knowing the same to be false, forged and counterfeit, with intent to utter and pass the same as true; or if any person shall utter, pass or tender in payment as true, any false money or coin, knowing the same to be false, being counterfeit, in the similitude of any gold or silver money, or coin current by law or usage within this Commonwealth, with intent to defraud any person or persons, every person, so offending, who shall be duly convicted thereof in the Supreme Judicial Court, shall be punished by solitary imprisonment for a

Punishment  
for bringing  
into the state  
or possessing  
counterfeit  
money, &c.

term not exceeding three months; and by confinement, afterwards, to hard labor, for a term not exceeding three years; or by a fine, not exceeding one thousand dollars, and by binding to the good behavior for two years. And if, after one conviction as aforesaid, the same person shall be guilty a second time of the like offence, and shall be duly convicted thereof, or if any person before the Supreme Judicial Court, at the same term thereof, shall be charged and convicted of the said offence in three several instances, then such person shall be adjudged to be a common utterer of Counterfeit money, and shall be punished by solitary imprisonment, for a term, not exceeding one year, and by confinement to hard labor, for a term not less than two years, and not exceeding ten years.

Punishment  
for making,  
mending, or  
possessing, any  
tool to be used  
in counterfeit-  
ing money.

SECT. 8. *Be it further enacted*, that if any person shall cast, stamp, engrave, form, make or mend, or shall knowingly possess, any mould, pattern, dye, puncheon, engine, press or other tool or instrument, devised, adapted, or designed for the coining and making any false and counterfeit money or coin, in the similitude of the gold or silver money or coin current within this Commonwealth, by the laws or usages thereof, with the intent to use and employ the same, or to cause or permit the same to be used and employed in coining and making any such false and counterfeit money and coin as aforesaid, every person so offending, shall be punished by solitary imprisonment, for such term, not exceeding three months; and by confinement, afterwards, to hard labor, for such term, not exceeding three years; or by a fine, not exceeding five hundred Dollars; and by imprisonment in the common gaol, for such term, not exceeding one year, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Governor au-  
thorized to give  
certain rewards.

SECT. 9. *And be it further enacted*, that for the prevention and discovery of certain of the offences aforesaid, there shall be allowed and paid at the public treasury by the warrant of His Excellency the Governor, with the advice and consent of the Council, to be granted upon the certificate of the Justice or Justices of the Supreme Judicial Court, before whom the conviction shall be, to the person or persons who shall inform and prosecute against any other person or persons, who shall be thereupon charged and convicted, the following rewards, that

is to say, for any conviction of the crime of forging and making any false and counterfeit certificate, bill or note in the similitude of any certificate bill or note, payable to the bearer thereof, which hath been, or which shall be issued as aforesaid, for any debt of this Commonwealth, or by or for any bank or banking Company within this State, by law established; or of the crime of forging and making any false and counterfeit coin as aforesaid, for every person that shall be so convicted, the sum of sixty Dollars; and for any conviction of the crime of possessing, with an intent to utter, or of knowingly uttering any such false and counterfeit certificate, bill, note, money or coin, the sum of forty Dollars, for every person that shall be so convicted. And when it shall happen that two or more are the informers and prosecutors, in any one offence; the reward thereupon to be allowed, shall be divided between them equally, or in such other proportions as the Justice or Justices, certifying as aforesaid, shall determine and appoint.

SEC. 10. *Be it further enacted*, that this act shall take effect and be in force, from and after the first day of September next, and not before. *Approved March 15, 1805.*

## 1804. — Chapter 121.

[January Session, ch. 75.]

AN ACT, IN ADDITION TO AN ACT, TO REGULATE THE INSPECTION AND EXPORTATION OF PORK, PASSED MARCH THE ELEVENTH ONE THOUSAND EIGHT HUNDRED AND TWO, AND TO REPEAL A PART OF THE SAME.

SEC. 1. *Be it Enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same*; that in addition to *Cargo Pork No. one*, and *No. two*, there shall also be added a third quality of pork, called *Cargo No. three*, which shall consist of the Merchantable parts of wholesome pork, of a quality inferiour to good *No. two* Pork, and the barrels shall contain, two hundred pounds of Pork each, and there shall not be, any more, than the merchantable parts of two carcasses of Pork in one Barrel, except, where any of the Legs are taken out, the same number of shoulder peices, and no more may be added, making up the deficiency of weight, in better parts of a carcase of pork.

Third quality  
of pork estab-  
lished.

SEC. 2D. *Be it further Enacted*, that the feet, Ears, and faces of Pork (when seperated from the Cheek part of the

Certain pieces  
of pork not to  
be exported.

head, or any other peices prohibited by the Act, to which this is in addition) shall not be exported under the Brand *Refuse*, or any other Brand, approved, or provided for the exportation of Pork.

Packing of  
cargo No. three.

SEC. 3. *Be it further Enacted*, that the Inspector General, and his Deputies, shall put up, or pack the third quality of Pork, with the same care, and under the same rules, and regulations, as are provided by Law in the Act, to which, this is in addition for *Cargo No. one* and *No. two*, branding the same *No. three*.

Part of former  
act repealed.

SEC. 4. *And be it further Enacted*, that so much of the second section of the Act, to which this is in addition, providing a *Refuse* quality of Pork, be, and the same hereby is repealed, and this law shall be in force and operation from and after the first day of April next; *provided however*, it shall not extend to Pork, which is already put up, and branded for exportation. *Approved March 15, 1805.*

## 1804. — Chapter 122.

[January Session, ch. 76.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER KENNEBECK RIVER AT FORT WESTERN IN THE TOWN OF HALLOWELL."

Preamble.

*Whereas the Proprietors of Kennebeck bridge have represented to the General Court that the Compensation they derive from the present Toll is inadequate, and praying for an enlargement of the Toll over said Bridge*

New toll estab-  
lished.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the clause in a certain Act, entitled, "an Act for incorporating certain persons for the purpose of building a bridge at Fort Western in the town of Hallowell," to which this is in addition, establishing the rates of Toll for passing said bridge, be, and the same is hereby repealed, and that the following rates of Toll be, and hereby are granted to and established for the benefit of the said proprietors, that is to say, for each foot passenger two cents: for each horse with one rider ten cents: for each single horse, Cart, sled or Sleigh twelve cents & an half, for each wheel barrow, hand Cart, & every other vehicle capable of carrying alike weight four cents, for each team including Cart, Sled, or Sleigh, drawn by two

beasts twenty five cents, & if drawn by more than two, the additional sum of five cents for each additional beast — for each single horse & chaise chair or Sulkey twenty cents; — for each Coach, Chariot, Phaeton, or curricule thirty five cents, neat cattle exclusive of those rode on in carriages, or in teams four cents for each, Sheep & swine one Cent for each.

*Approved March 15, 1805.*

## 1804. — Chapter 123.

[January Session, ch. 77.]

AN ACT PROVIDING FOR THE PUNISHMENT OF THE CRIMES OF MURDER, MAN-SLAUGHTER, FELONIOUS MAIMS AND ASSAULTS, AND DUELLING; AND FOR THE PREVENTION THEREOF.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that if any person shall commit the Crime of Wilful Murder, or shall be present, aiding and abetting, in the Commission of such Crime, or not being present, shall have been accessary thereto before the fact, by counselling, hiring, or otherwise procuring the same to be done, every such offender, who, in the Supreme Judicial Court, shall be duly convicted of either of the felonies and offences aforesaid, shall suffer the punishment of death. And the Justices of the said Court, before whom the conviction shall be, in cases of Murder committed in a duel, shall, and in other cases may, at their discretion, further sentence and order the body of such convict to be dissected and anatomized. And in the case of such further Sentence, it shall be the duty of the Sheriff to deliver the body of the convict, being dead, to a professor of Anatomy and Surgery in some public College or Seminary, when it shall be required in his behalf; and otherwise to any Surgeon or Surgeons who shall be attending at the place of execution, to receive the body, and will engage for the dissection and anatomizing thereof.

Punishment  
for murder, or  
being accessary  
thereto before  
the fact.

SECT. 2D. *Be it further enacted,* that if any person, after a Wilful Murder done and Committed as aforesaid, shall be accessary ther[e]to, by knowingly receiving, harbouring, comforting, concealing, maintaining, or otherwise unlawfully assisting any principal offender, or accessary therein before the fact; every such accessary after the fact, who shall be thereof duly convicted in the Supreme

Punishment  
of accessaries  
after the fact.

Judicial Court, shall be punished by Solitary imprisonment for such term not exceeding six Months and by confinement afterwards to hard labour, for such term not exceeding ten Years, as the Justices of the said Court, before whom the Conviction may be shall sentence and order, according to the nature and aggravation of the offence.

Punishment for manslaughter.

SECT. 3D. *Be it further enacted*, that if any person shall commit the Crime of Manslaughter, and shall be thereof duly Convicted in the Supreme Judicial Court, every such offender shall be punish[<sup>m</sup>]ed by Solitary imprisonment, for such term, not exceeding one Year; and by imprisonment afterwards, in the Common Gaol, or confinement to hard labour, for such term, not exceeding three years, as the Justices of the said Court, before whom the Conviction may be shall sentence and order, according to the aggravation of the Offence.

Punishment for maiming a person or being accessory thereto.

SECT. 4. *Be it further enacted*, that if any person, with set purpose and aforethought Malice, or intention to maim or disfigure, shall unlawfully cut out or disable the tongue, put out an Eye, cut off an Ear, slit the Nose, or cut off the Nose or lip, or Cut off or disable a limb or member of any person, every such offender, and every person privy to the intent aforesaid, who shall be present, aiding and abetting in the Commission of such offence, or not being present, shall have Counsell'd, hired or procured the same to be done, upon due conviction thereof in the Supreme Judicial Court, shall be punished, by Solitary imprisonment, for such term, not exceeding one year and by confinement to hard labour, or by imprisonment in the Common Gaol, for such term, not exceeding ten Years, commencing from the expiration of such solitary imprisonment, as the Justices of the said Court, before whom the Conviction may be, shall sentence and order, according to the nature and aggravation of the offence.

Punishment for felonious assault.

SECT. 5. *Be it further enacted*, that if any person with a dangerous weapon, and with an intention to Murder or to maim or disfigure in any of the modes mentioned in the fourth Section of this Act, shall assault another; or shall be present, aiding or abetting therein; or not being present, shall have counsell'd, hired or procured the same to be done every such offender, who shall be thereof duly convicted in the supreme Judicial Court, shall be deemed a felonious assaulter, and shall be punished by Solitary



imprisonment, for such term, not exceeding six months, and by confinement afterwards, to hard labour, or by imprisonment in the Common Gaol, for such term, not exceeding four Years, as the Justices of the said Court, before whom the conviction may be, shall sentence & order, according to the nature and aggravation of the offence.

SECT. 6. *Be it further enacted*, that if any person shall Voluntarily engage in a duel, with rapier or small sword, backsword, pistol or other dangerous weapon, to the hazard of life, when no homicide shall ensue thereon; and if any person shall, by word, message, or in any other manner, challenge another to fight in a duel as aforesaid when no duel shall be fought thereon; every such offender, and every person who shall be knowingly a second, agent or abetter in such duel or challenge, upon due conviction of either of the said Offences in the Supreme Judicial Court, shall be punished as a felonious assaulter; and for his further punishment shall be disqualified from holding, and incapable of, any office or place of honour, profit or trust, under this Commonwealth, during the term of twenty Years from and after such Conviction.

Punishment  
for engaging  
in a duel.

SECT. 7. *Be it further enacted*, that if any person shall accept a challenge to a duel, and shall consent to fight therein as aforesaid, when no duel shall thereupon ensue, every such offender, and every person who shall knowingly be a second, agent or abetter in such acceptance of a Challenge, upon due conviction thereof, in the Supreme Judicial Court, shall be punished by imprisonment in the Common Gaol, not exceeding one Year, and shall be disqualified from holding, and incapable of, any office or place of honour, profit or trust under this Commonwealth, during the term of five Years, from and after such conviction.

Punishment  
for accepting a  
challenge, &c.

SECT. 8. *Be it further enacted*, that this act shall take effect and be in force from & after the first day of September next and not before.

*Approved March 15, 1805.*

## 1804. — Chapter 124.

[January Session, ch. 78.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE TOWN OF SALEM IN THE COUNTY OF ESSEX INTO A SOCIETY, BY THE NAME OF "THE PROPRIETORS OF THE NEW SOUTH MEETING HOUSE, IN SALEM."

Persons incor-  
porated.

SECTION 1. *Be it enacted by the Senate & House of Representatives in General Court assembled and by the Authority of the same*, that John Norris, John Jenks, Michael Webb, Robert Peel, Robert Cowan, Addison Richardson, Samuel Cook, George W. Martin, William Chisholm, Nathaniel Batchelder, Asa Killam, Deborah Buffinton, Asa Pierce, Josiah Woodbury, Timothy Brooks, Daniel Gregg, Eliphalet Butman, Daniel H. Mansfield, William Luscomb, Joshua Goodale, Benjamin Cox Jr., Israel Williams, Thaddeus Gwinn, Daniel Jenks, Benjamin Pickman, Jonathan Glover, Timothy Ropes, Nathaniel Safford, Robert Brookhouse, Jonathan Neall, Josiah Austin, Thomas Francis, Jesse Smith, Archelaus Fuller, Solomon Towne, Nathaniel Felt, John Buffinton, Thomas Brooks, Thomas R. Williams, Jeremiah Shepard, Josiah Richardson, Joshua Cross Jr., Stephen Thayer, John Treadwell, Jerathmiel Peirce, Aaron Waitt, James Odell, Benjamin Tay, Josiah Caldwell, Nathaniel Frothingham, William Lang, Joseph Winn, John Winn, William S. Gray, John Leach, William Ives, William Luscomb the third, Jeduthan Upton, Jonathan Marston, James Nichols, Joseph Symonds, Joseph Henfield Asa Killam Jr., Paul Upton, Elijah Johnson, William Putnam, Charles Cleveland, Jabez Smith, Frederick Putnam, Thomas Manning, Henry Osborne, and Amos Adams, with such other Persons as shall associate & become interested with them in manner herein after mentioned be and they hereby are incorporated and made a body politic, by the name of "The Proprietors of the New South Meeting House in Salem."

Corporation  
may purchase  
and hold land;  
sue and be sued,  
&c.

SECTION 2. *Be it further enacted* that the said Corporation may purchase & hold the Lot of Land in Salem aforesaid whereon they have lately built a Meeting House, and such other Estate, real & personal, as the Corporation shall determine to own, provided that the annual income of the whole Estate of the Corporation, besides the Meeting House, & Land under it shall not exceed three thousand Dollars. — And the said Corporation may sue & be sued

by its Corporate name, may make & use a common Seal & break or alter it at pleasure — may make any By Laws for the Government thereof & for the management of the Corporate property that a major part of the members present (calculating according to their respective Interest) shall think for the best provided the same are not contrary to the Constitution and Laws of this Commonwealth — and is invested with all the Powers Privileges and Immunities to which other Religious Societies in this Commonwealth are entitled by Law.

SECTION 3. *Be it further enacted* that the property of the several members of the said Corporation for the time being shall be calculated according to their respective Rights and Interests in the Pews and Seats of the Meeting House lately built as aforesaid, at the valuation thereof which hath been made : and all persons who shall become proprietors or interested in said Pews & Seats, shall be deemed to have associated with, & shall become members of this Corporation, according to their respective interest in such Pews or Seats.

Share of members in corporation.

SECTION 4. *And be it further enacted*, that the said Corporation are hereby authorised to raise by an assessment on the Pews & Seats in the said Meeting House such sum & sums of money for the settlement and maintainance of a Minister or Ministers, for the purchase of said lot of land, for building up & repairing the Meeting House — and for defraying the other expences of Public Worship with incidental charges, as the members of the same shall agree on at any legal meeting to be called for that purpose — according to the said valuation ; and the sums so assessed shall be paid by the respective Proprietors of such Pews & Seats — And if any Proprietor of such Pew or Seat shall neglect to pay any assessment which shall be legally made thereon as aforesaid for One Year after the same shall have been made — the Treasurer of said Corporation for the time being shall be authorised & empowered, to sell & convey all the Estate Share & Interest of such delinquent Proprietor, in the said Corporation, at Public Auction first giving notice thereof fourteen days at least previous to the Sale at two of the Doors of said Meeting House — and upon such sale to execute a good & sufficient Deed or Deeds thereof to the Purchaser — and after deducting the amount of such delinquent's assessment, together with legal Interest thereon from the time the same was made,

Assessments authorized.

Shares of delinquents may be sold.

all incidental costs & Charges the said Treasurer shall pay the Surplus if any there be to such delinquent Proprietor.

First meeting.

SECTION 5. *And be it further enacted* that Ezekiel Savage Esqr. be, and hereby is authorised & directed to issue his Warrant to some principal member of said Corporation requiring them to meet at such time & place as shall be therein set forth to choose a Moderator and a Clerk (who shall be duly sworn) a Treasurer, & such other Officers as the Proprietors shall judge necessary — And the Moderator of that & of all future meetings, shall have power to administer the Oath of Office to the Clerk.

*Approved March 15, 1805.*

### 1804. — Chapter 125.

[January Session, ch. 79.]

#### AN ACT DEFINING THE GENERAL POWERS AND DUTIES OF TURNPIKE CORPORATIONS.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that no Turnpike Corporation shall be hereafter created except a Committee shall have first been appointed by the Legislature, & viewed the rout proposed by the petitioners, who shall be at the expence thereof. And that all committees appointed for the purpose aforesaid, shall, before they proceed to view any proposed road, give public notice of the time and place of their meeting, by publishing the same in some newspaper printed in the County where said road is proposed to be laid, if any such paper is printed therein, and if not, in such other way as they may think will give General notice to all interested, and shall also give notice to one or more of the Selectmen of each town through which they propose to view, and of the time they shall make their report to the Legislature, that all persons may then appear, and Shew cause, if any they have, against the prayer of the petition.

Legislative committee to be appointed to view proposed road before incorporation.

Court of Sessions to appoint a committee when the road is granted.

SECT. 2D. *Be it further enacted,* that whenever any grant is made for a Turnpike road, and application is made to the Court of General Sessions of the Peace, within the County where said road is situated, said Court shall appoint a Committee of five disinterested Freeholders within the same County, at the expence of the Corporation, who shall be invested with the same powers, observe

the same rules, be under the same restrictions, perform the same duties, and make return of their doings in the same manner as is provided by Law for similar Committees appointed by said Court for laying out public Highways. And said Corporation shall be liable to pay all damages that may be estimated by said Committee, saving to either party the right of trial by Jury, respecting damages only, according to Law making provision for the recovery of Damages arising from the laying out highways; *provided however* that said Corporation may purchase and hold Lands, over which they may make their Road, in every such case, the estimation of damages shall be omitted by said Committee. And no Turnpike road hereafter granted shall be less than four rods in width, and the travelled part of the same, shall not be less than twenty-four feet in any part thereof.

Corporations to be liable for damages, &c.

SECT. 3D. *Be it further enacted*, that no gate shall be erected by any Turnpike Corporation, on Any County or Town road before established: & no Turnpike gate shall be erected across any Turnpike road where full toll shall be demanded, except said gate be ten miles distant from any other Turnpike gate, on the same road, unless the Act Granting the same road, shall contain different provision.

Erection of gates.

SECT. 4. *And Be it further enacted*, that it shall be lawful for all Turnpike Corporations, that may be established by Law, whenever the Road shall be sufficiently made, and so allowed and approved, by the Justices of the Court of Common Pleas, within said County, where said road shall be situated, and they are hereby authorised to erect gates in such place or places, as the said Justices shall direct, to demand and receive of each traveller or passenger, at each of said Gates, the following rates of toll, Vizt. For each coach, Chariot, phaeton, or other four wheel spring Carriage, drawn by two horses, twenty-five Cents; and if drawn by more than two horses, two cents for each additional horse; for every waggon drawn by two horses, ten Cents; and if drawn by more than two, two cents for each additional horse; for every Cart or waggon, drawn by two oxen, ten cents; and if by more than two, twelve & a half cents; for every curricule fifteen cents; for every Chaise, Chair, Sulkey, or other Carriage for pleasure, drawn by one horse, twelve & a half cents each; for every Cart, waggon, or truck, drawn by one

Tolls established.

Commutation  
of toll allowed.

Sign-boards.

Penalty for in-  
juring gates or  
roads and for  
illegally evad-  
ing toll.

Exemptions  
from toll.

horse, six and one quarter of a cent each ; for every man & horse, four cents ; for every sleigh or sled, drawn by two Oxen or horses, eight cents ; and if drawn by more than two Oxen or horses, one cent for each additional ox or horse ; for every Sleigh or sled, drawn by one horse, four cents ; for all horses, mules, or neat cattle, led or driven, besides those in teams or carriages, one cent each ; for all sheep or swine at the rate of three Cents, by the dozen : *Provided however*, that the Corporation may, if they see cause, commute the rates of toll, with any person or persons, or with any Corporation, by taking of him or them a certain sum annually, to be mutually agreed on, in lieu of the toll aforesaid ; and carts or waggons having wheels, the fellies of which shall be Six Inches broad or more, shall be subject to pay only half the toll which Carts or waggons otherwise constructed, shall be liable to pay. And all Turnpike corporations shall erect in some conspicuous place, where the toll is collected, exposed to view, a sign board, with the rates of toll of all tolable articles, fairly and legibly written or printed in Capital letters ; and whenever said Corporation shall neglect so to do, they shall not be entitled to demand or receive any toll at the said gate.

SECT. 5. *And be it further enacted*, that if any person shall Cut, break down, or otherwise injure or destroy any turnpike gate, on any turnpike road hereafter established, or shall dig up or carry away any earth or gravel from such Turnpike road, or in any other manner damage the same, or shall forcibly pass, or attempt to pass any such Turnpike gate, without having first paid the legal toll, with an intent to avoid the same, such person shall forfeit and pay a sum not exceeding Fifty Dollars, nor less than five dollars, to be recovered by the Treasurer of the Corporation to their use, in an action of trespass. And if any Person with his or her horse, team, or Cattle, shall turn out of such road, to pass any turnpike gate, with intent to avoid paying the toll, and again enter on the said road such person shall forfeit & pay treble the toll which could have been payable at such gate to be recovered by the Treasurer of said Corporation to their use in an Action of trespass on the Case. *Provided however*, that nothing in this Act shall extend to entitle any Turnpike Corporation hereafter established to demand or receive toll from any person that shall be passing on foot, or with his horse or carriage to or from his usual place of public worship, or from any person

passing on military duty, or from any person residing in the town where the gate may be placed, unless they are going or returning from, beyond the limits of said town, or from any person going to or from any grist Mill or on the common and ordinary business of family concerns.

SECT. 6. *And be it further enacted*, that if any Turnpike corporation, hereafter granted, their toll gatherer, or others in their employ shall un[n]ecessari[a]ly delay or hinder any traveller or passenger, or shall demand or receive more toll than is by Law established, the said Corporation shall forfeit and pay a sum not exceeding ten dollars, nor less than two dollars, to be recovered before any Justice of the peace within the County, where the offence is committed, by the person injured, delayed, or defrauded, to his or her use in a special action of the case: and all writs against any Turnpike corporation shall be served on the Treasurer of said Corporation, or on some individual member thereof living in the County, where the offence shall be committed, by leaving a true and an attested Copy of the same with the said Treasurer or individual member at least fourteen days before the day of trial. And the said Treasurer or individual member shall be allowed to defend the same suit in behalf of said Corporation, & the said Corporation shall be liable to pay all damages which may happen to any person from whom toll is demandable for any damages which shall arise from defect of Bridges or want of repair of said Turnpike road, and also liable to presentment, by a Grand Jury, for not keeping the same in good repair.

Penalty for delaying passengers or taking illegal toll.

SECT. 7. *And be it further enacted*, that where any Turnpike Road hereafter established shall intersect any former public highway, it shall be the duty of the proprietors of such Turnpike, so to construct their road, that it shall be convenient and feasible for travellers to pass from such former public highway on to such Turnpike.

In case of intersecting a common highway.

SECT. 8. *And be it further enacted*, that the shares in all Turnpike corporations, shall be taken, deemed, & considered to be personal estate to all intents and purposes, and may be transferable, and the mode of transferring the said shares shall be by Deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of said Corporation, in a book kept for that purpose.

Shares to be considered personal estate.

SECT. 9. *And be it further enacted*, th[e][at] every Turnpike Corporation her[e]after established shall within Six Months from the time of erecting their Gates lodge in

An account of cost of road and annual statements to be exhibited.

the Secretary's office, an account of the expences thereof and each Corporation shall annually in the month of January, exhibit to the Governor and Council, a true account of the income or dividends, arising from said toll, with their necessary annual disbursements on the said road: and the books of all Corporations, shall at all times be subject to the inspection of the Governor and Council, and to the Legislature when called for.

Shares of delinquents may be sold; mode prescribed, &c.

SECT. 10. *And be it further enacted*, that whenever any proprietor of a share or shares in any Turnpike corporation hereafter established, shall neglect or refuse to pay any tax or assessment duly voted and agreed on by such Corporation to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation, is hereby authorised to sell at public vendue, the share or shares of such delinquent proprietor, sufficient to defray the said tax or assesment, and all necessary & incidental charges, after having given public notice in some newspaper printed in the County, where the road lies, if any is printed therein, otherwise in some public paper printed in an adjoining County, with the sum due on each share, and the time and place of sale, three Weeks successively at least, before the sale. And such sale shall be a legal transfer of the shares so sold to the purchaser, and on the purchaser producing a certificate of such sale from the Treasurer, to the Clerk of said Corporation, with the name of such purchaser, together with the number of the share or shares so sold, shall be by the Clerk entered on the books of the Corporation; and such person shall be considered to all intents and purposes the proprietor thereof, and the overplus if any there be, shall be paid by the Treasurer on demand, to the person whose share or shares were so sold.

Corporations may be dissolved when indemnified with interest.

SECT. 11. *And be it further enacted*, that the Legislature may dissolve any Corporation hereafter established, after the expiration of twenty years, or sooner, if it shall appear to their satisfaction, that the income of said road shall have compensated such Corporation for all money they may have expended, in purchasing lands for said road, and in making, repairing, and taking care of the same, together with twelve per Centum by the year, and thereupon the property of said road, shall be vested in the Commonwealth and be at the disposal of the Legislature, *Provided however*, that if any Corporation granted



as aforesaid, shall neglect to complete the road within five Years from the date of the grant, the same shall be void.

SECT. 12. *And be it further enacted*, that the first meeting of all turnpike Corporations hereafter established, shall be held at such time and place, as shall be agreed on, by a major part of the persons to whom the grant is made, for the purpose of choosing a Clerk who shall be sworn to the faithfull discharge of the duties of his office, and such other officers as may be agreed on by said Corporation, and may then, or at any subsequent meeting, establish such rules and regulations, as shall be judged necessary for the well ordering of the affairs thereof: *Provided*, that no such rules and regulations shall in any manner be repugnant to the Constitution and laws of this Commonwealth; and that said first meeting shall be notified by publishing the same in some newspaper, printed nearest to where the said road lies, at least two weeks before said meeting.

First meeting;  
officers; rules  
and regulations.

SECT. 13. *And be it further enacted*, that whenever the Directors of any Turnpike corporation heretofore established, or which may hereafter be established by law, shall wish to remove a gate or gates, by such Corporation then duly erected on the Turnpike road of such Corporation, it shall and may be lawful for such Directors, or a majority of them, to petition the Court of Common Pleas, to be holden within and for the County where such Gate or gates may be erected, praying for the removal of such Gate or Gates, and stating the reasons therefor: and thereupon it shall and may be lawful for the said Court to nominate and appoint a Committee of three disinterested and sufficient freeholders, inhabitants of said County, whose duty it shall be, after being duly sworn to the faithful discharge of their trust, at the expence of the Corporation, whose gate or gates, are intended to be removed, to give notice to all persons interested of their appointment, and the time and place of meeting, for the purpose of attending to the business of their Commission, by advertising the same in such newspaper, as the said Court may order, ten days at least before the time appointed for such meeting: and also at the said time appointed, as aforesaid to repair to the gate or gates mentioned in such petition, and after hearing all parties interested to determine whether the said Gate or Gates shall be removed as prayed for, and report their said

Mode of pro-  
ceeding for re-  
moval of a gate.

determination as soon as may be, to the same Court, who are authorised if they shall deem it expedient to order said gates to be removed & located according to the report of such Committee.

Mode of proceeding when a road is out of repair.

SECT. 14. *And be it further enacted*, that whenever any Turnpike road, hereafter granted, shall be suffered to be out of repair, the Justices of the Court of Common Pleas, within and for the County where the same road may lie, or a major part of them, or a Committee to be appointed for that purpose by said Justices, are hereby authorised to order the gate or gates of such corporation to be set open, said Justices or their Committee having previously notified the Clerk of such Corporation of complaint having been made of the badness of such road, at least ten days previous to ordering such Gate or Gates to be set open — and immediately upon leaving such order in writing under the hands of said Justices or their Committee, with the Clerk of such Corporation, the said Gate or Gates shall be opened and no toll shall be legally demandable thereat until the said Justices or their Committee shall grant a Counter order.

Land to revert in original owners when a road is discontinued.

SECT. 15. *And be it further enacted*, That whenever any Turnpike road, in whole or in part shall be discontinued, the land over which such discontinued Turnpike was laid, shall revert in the person or persons their heirs and assigns, who were owners thereof at the time such Land was taken or purchased, for the purpose of making said Turnpike, any conveyance of said Land by Deed to said Corporation notwithstanding.

*Approved March 16, 1805.*

## 1804. — Chapter 126.

[January Session, ch. 80.]

AN ACT TO INCORPORATE CERTAIN PERSONS AS TRUSTEES OF AN ACADEMY IN THE TOWN OF LYNN, IN THE COUNTY OF ESSEX.

Preamble.

*Whereas Amos Rhodes and others have subscribed three thousand dollars, and have expended the same in erecting a building, accommodated for the instruction of youth, in the Town of Lynn; and whereas it appears to this Court, that the said Town of Lynn is a suitable place for such an institution,*

SECT. 1. *Be it enacted by the Senate and House of*

*Representatives, in General Court assembled, and by the authority of the same, that there be, and hereby is established in the Town of Lynn aforesaid, an Accademy, by the name of the Lynn Accademy, for the purpose of promoting piety, religion and morality, and for the education of Youth, in such languages and such of the liberal arts and sciences as the Trustees of said Accademy shall direct, and that the following persons, vizt. Amos Rhodes, James Gardner, William Rose, Jeremiah Bulfinch, Samuel Brimblecome, Thomas Mansfield, and their associates, be, and hereby are incorporated into a body politic, by the name of The Trustees of the Lynn Accademy; and that they and their successors shall be and continue a body politic and corporate by the same name forever.*

Lynn academy  
established  
and trustees  
appointed.

Corporate  
name.

SECT. 2D. *And be it further enacted, that all monies, lands, or other property and things, already given, or which shall hereafter be given, granted, devised, bequeathed, transferred or assigned to the said trustees for the purpose aforesaid, shall be confirmed to the said trustees and their successors in that trust forever; and the said trustees may have and hold, in fee simple, by gift, grant, devise, bequest or otherwise, any lands, tenements, hereditaments or other estate, real or personal; provided the annual income thereof shall not exceed the sum of four thousand dollars, and may sell and dispose of the same, and apply the rents and profits thereof in such manner, as that the end and design of the institution may be promoted.*

Trustees  
allowed to hold  
property, &c.

SECT. 3D. *Be it further enacted, that the said Trustees shall have power, from time to time, to elect such officers of said Academy as they shall judge necessary, and to fix the tenure of their respective offices; to remove any trustee from the corporation, when, in their opinion, he shall be incapable, by reason of age or otherwise, of discharging the duties of his office; to fill all vacancies in said Corporation, by electing such persons as trustees as they shall think suitable; to determine the times and places of their meetings, the manner of notifying the trustees, and the method of electing and removing them; to prescribe the powers and duties of their several officers; to elect Preceptors and Teachers of said Accademy, and to determine their powers, duties and tenures of office; and to make and ordain reasonable rules, orders and bye-laws, not repugnant to the laws of this Commonwealth, with*

General powers  
of trustees.

reasonable penalties, for the good government of said Accademy.

Trustees may  
have a seal; sue  
and be sued, &c.

SECT. 4TH. *Be it further enacted*, that the said trustees may have one Common Seal, which they may, at pleasure, break, alter and renew; and that all deeds signed and sealed with their seal, and acknowledged by the Treasurer or Secretary of said Corporation, by order of the said trustees, shall be good and valid in Law; and the said trustees may sue and be sued, in all actions real personal and mixed, and prosecute and defend the same to final judgement and execution, by the name of The Trustees of the Lynn Accademy.

Number of  
trustees.

SECT. 5TH. *Be it further enacted*, that the number of said Trustees shall not, at any one time, be more than eleven nor less than seven; five of whom shall constitute a quorum to do business, and that a majority of said trustees shall consist of inhabitants of the town of Lynn.

First meeting.

SECT. 6TH *Be it further enacted*, that James Gardner, Esqr. be, and hereby is authorized to fix the time and place for holding the first meeting of said trustees and to notify them thereof accordingly.

*Approved March 16, 1805.*

## 1804. — Chapter 127.

[January Session, ch. 81.]

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER AGGAWAUM RIVER IN THE TOWN OF WEST SPRINGFIELD.

Persons incor-  
porated.

SECTION 1ST. *Be it enacted by the Senate & House of Representatives, in General Court assembled, And by the Authority of the same*, That George Blake, Pitt Bliss, Jonathan Dwight jr., James S. Dwight, Joshua Frost, Charles Leonard, Daniel Lombard, Edward Pynchon, William Smith, Gad Warriner, Solomon Warriner, Eleazer Williams, Jonathan Worthington and Amos Worthington, together with such others, as may hereafter associate with them and their Successors, be & they are hereby Constituted and made a Corporation and Body-Politic, by the name of "The Proprietors of Aggawaum Bridge" And by that name may sue & be sued, to final judgement and execution, and may do and suffer all matters, acts, and things, which bodies politic, may & ought to do & suffer, and the said proprietors shall be, and they hereby are

Corporate  
name.

Authorised, to erect a Bridge over the said Aggawaum River, at any place within forty rods of the mouth of Said River, and said Bridge shall be well built, of Good & durable materials, at least Twenty feet wide, well planked and safely railed, and always kept in good repair — And the said proprietors shall be liable to pay all the damages, which may happen to any person, from whom the Toll is demandable for any damage which shall arise from any defect or want of repair in said Bridge by an Action on the Case, in Any Court proper to try the same.

Location of bridge; dimensions, &c.

SECTION 2D. *And be it further enacted*, that for reimbursing to the said Proprietors, their expences in building said Bridge, a Toll be and hereby is granted & established for the sole benefit of the said Proprietors, according to the following rates, viz. For each foot passenger, One Cent; for each Horse and rider three Cents, for each Horse and Chaise, Chair, Sulkey or other two wheel Carriage Six Cents; for each Coach, Chariot, Phaeton or other four wheel car[r]riage, drawn by two Horses, twelve & a half Cents; and if drawn by more than two Horses, one Cent for each additional Horse; for each Cart or Waggon drawn by two Horses or Oxen, eight Cents; and if drawn by more than two beasts, one Cent for each additional beast; for each Sled or Sleigh drawn by one Horse four Cents; and if by two beasts Six Cents & One Cent for each additional beast; for each Horse without a rider, and all neat Cattle, two Cents for each beast; and for all Sheep kind & Swine Six Cents per dozen; and One person and no more shall be allowed to each team, as a driver to pass free of Toll. And the toll Shall commence on the day of opening said Bridge and shall continue for seventy years: And at the place where the toll shall be received, there shall be constantly exposed to view a board, with the rates of toll fairly & legibly writ[te]n or printed thereon in large or Capital letters; And after the term of thirty years, the Legislature shall have a right to regulate the rates of toll to be received at said Bridge. *Provided However*, that if the said Proprietors, shall neglect for the Space of Six years, from the passing of this Act, to erect the said Bridge, then this Act shall be void.

Toll established.

Sign-board.

SECTION 3D. *And be it further enacted*, that any three of the persons beforenamed, may call a meeting of the Corporation at such Convenient time & place, as shall be appointed in their Advertisement, by publishing the same

First meeting.

in the Federal Spy — published in Springfield, one week prior to the day of the meeting. And the Proprietors may choose a Clerk, who shall be sworn to the faithful discharge of his trust; And they may also agree on a mode of calling future meetings, and at the same or subsequent meetings, may appoint such officers, and make such byelaws and regulations as they shall judge necessary and convenient; and all the votes and doings of the said Corporation shall be by the Clerk fairly recorded, in a book to be kept for that purpose. *Approved March 16, 1805.*

### 1804. — Chapter 128.

[January Session, ch. 82.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE  
BRUSH HILL TURNPIKE CORPORATION.

Persons incor-  
porated.

Corporate  
name.

Course of the  
road, &c.

SECT. 1ST. *Be it enacted by the Senate & House of Representatives in General Court Assembled, and by the Authority of the same,* that Isaac Davenport, Joseph Billings, & Jeremiah Smith Boies together with such persons as may hereafter associate with them, and their Successors and assigns, shall be a Corporation by the name of the Brush Hill Turnpike Corporation, and by that name may sue and prosecute, and be sued and prosecuted, unto final Judgment & Execution, and have and use a Common Seal, and exercise and enjoy all other Priviledges & Powers, which are incident, and usually given to similar Corporations; — for the purpose of laying out making and keeping in good repair, a Turnpike Road between Davenports corner so called near the West End of Blue Hill in Milton in the County of Norfolk and near the four Mile Stone in Roxbury near the Dwelling House of Ebenezer Sever Esqr. as follows, beginning at said Davenports Corner by the most favorable route to the upper Bridge so called near Boies's mills, from thence by the most favorable route at or near the said four mile Stone, and the said Road shall not be less than Sixty Six feet wide, and the Path to be travelled on not less than Twenty four feet wide, in any part thereof; and when the said Turnpike Road shall be well and sufficiently made, and shall be so approved by a Committee to be appointed by the Court of Common Pleas, within, and for the County of Norfolk, then the said Corporation, shall be authoriz'd

to erect two Turnpike Gates on the said Road, one at or near the Lane, near the House of Benjamin Vose in Milton, and one at or near the Lane, near the Dwelling house of John White in Dorchester in such manner & places as shall be appointed by a Committee of the Court of Common Pleas within & for the said County of Norfolk; *Provided*, that the said Turnpike Gates shall not be erected on any Road at present travelled.

Two gates allowed.

SECT. 2ND. *Be it further enacted*, that the said Corporation may purchase and hold land, over which they may make said Road, and the Justices of the Court of General Sessions of the Peace within & for the said County, are hereby authorized on the application of the said Corporation, to lay out the said Road, or any part thereof, as they with the consent of the said Corporation, shall think proper by a Committee from said Court — and the said Corporation shall be liable to pay all damages, which may arise to any person by taking his land for such Road (where the same cannot be obtained by voluntary agreement) to be estimated by said Committee, saving to either Party the right of Trial according to the law which makes provision for the recovery of Damages, arising from laying out Highways; and if said Jury shall increase the damage estimated by such Committee, the said Corporation shall be holden to pay the Cost of such Jury Trial.

Corporation may purchase and hold land and to be liable for damages where same is taken without agreement.

SECT. 3D. *Be it further enacted* that it shall be lawful for said Corporation to demand and receive at each gate, of each Traveller or Passenger, the following rates of Toll (viz) for every Coach, Chariot, Phaeton, or other four wheel Carriage drawn by Two Horses, twelve Cents & five mills, and if drawn by more than two Horses, an additional Sum of one Cent for each Horse; for every Cart or Waggon drawn by two Oxen or Horses five Cents, and if drawn by more than two Oxen or Horses the additional Sum of One Cent for each Ox, or Horse; for every Curriele, Chaise, Chair or other Carriage drawn by one Horse Six Cents two & one half mills, for every man & Horse two Cents; for every Sled or Sleigh drawn by two Oxen or Horses, three Cents, and if drawn by more than two Oxen or Horses an additional Sum of One Cent for each additional Ox or Horse; For every Sled or Sleigh drawn by one Horse three Cents, for every Horse Cart or Waggon drawn by one Horse three Cents each, for all Horses, mules, oxen or neat Cattle led or driven, besides

Toll established.

those in teams, five mills each ; for all Sheep or Swine, at the rate of two Cents for each Dozen ; *Provided* that said Corporation may, if they see fit, commute the rate of toll with any Person or with the Inhabitants of any Town by taking of him or them, a certain sum annually, to be mutually agreed upon in lieu of the Toll aforesaid.

Penalty for injuring gates or road and for attempting to evade toll.

SECTN. 4TH. *Be it further enacted*, that if any Person, shall cut, break down or injure or otherwise destroy the said Turnpike Gates, or shall dig up or carry away any earth from the said Road, or in any other manner damage the same, or shall forcibly pass or attempt to pass the said Gate by force, with intent to avoid the Payment of the legal Toll at such Gate or Gates, such Person shall forfeit & pay a fine not exceeding ten dollars nor less than five dollars, to be recovered by the Treasurer of the said Corporation, to their use in an action of trespass. And if any Person, with his team, Cattle or Horse shall turn out of said Road to pass the said Turnpike Gate, and again enter on said Road with an intent to evade the Toll, due by virtue of this act, such Person shall forfeit & pay two dollars to be recover'd by the Treasurer of said Corporation to the use of the same, in an action of Debt ; *Provided however* that nothing in this act, shall extend to entitle the said Corporation to demand or receive Toll of any Person who shall be passing on foot or with his Horse or Carriage to or from Public Worship, or of any Person for himself or his Servants, Horses, Cattle, Sheep, teams, Cart, Sled, or Sleigh passing to, or from his Farm, or land, or of any Person passing to, or from mill, or on the common, and ordinary business of Family concerns, or on military duty. *Provided also* that not more than half the Toll before mentioned shall be paid, for any Cart or Waggon the Fellies of the wheels of which shall be not less than Six inches broad, and that the General Court may hereafter regulate the Toll on Carts & waggons according to the width of the Fellies of the wheels, on which they shall run, and the Burthens they shall carry.

Exemptions from toll.

Provision for broad wheels.

Penalty for delaying travellers or exacting illegal toll.

SECTN. 5TH. *Be it further enacted* that if the said Corporation or their Toll-gatherers or others in their employ, shall unreasonably delay or hinder any Traveller, or Passenger, or shall demand, or receive more Toll than is by this act established, the said Corporation shall forfeit & pay a sum not exceeding ten dollars nor less than five dollars to be recovered before any Justice of the Peace



for the County of Norfolk, by any Person injured, delayed or defrauded, in a special action on the Case, the writ in which case shall be served on the said Corporation, by leaving a Copy of the same with the Treasurer, or with some individual member, being within the County of Norfolk or by reading the same to the said Treasurer, or individual Member, at least seven days before the day of trial; and the said Treasurer, or individual Member shall be allowed to defend the same suit in behalf of the said Corporation; and the said Corporation shall be liable to pay all damages which may happen to any Person from whom Toll is demandable, for any injury which may be occasioned by defect of Bridges, or want of repairs in said way, and shall also be liable to Presentment by the Grand Jury, for not keeping the same in good repair.

SECTN. 6TH. *Be it further enacted* that the Shares in the same Turnpike Road shall be taken & deemed, and considered to be Personal Estate, to all intents and purposes, and shall & may be transferable; and the mode of transferring the said shares, shall be by Deed, acknowledged before any Justice of the Peace, and recorded in a Book to be kept for that purpose by the Clerk of said Corporation; and such shares shall be liable to attachment & execution.

Shares to be considered personal estate and to be transferable.

SECTN. 7TH. *Be it further enacted* that when any Proprietor shall neglect or refuse to pay any Tax, or assessment, duly voted and agreed upon by the Corporation, to their Treasurer, within Sixty days after the time set for the Payment thereof, the Treasurer of said Corporation is hereby Authoriz'd to sell at Public Vendue the Share or Shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said Taxes, and necessary incidental charges after duly notifying the same in some Newspaper Printed in Boston in the County of Suffolk, the Sum due on any such Share, or Shares, and the time and place of Sale, at least Twenty days previous to the day of Sale, and such Sale shall be a sufficient transfer of the Share or Shares so Sold, to the person purchasing; and on producing a Certificate of such Sale from the Treasurer to the Clerk of the said Corporation, the name of such Purchaser with the number of Shares so Sold, shall be by the Clerk entered on the Books of the said Corporation; and such Person shall be considered, to all intents & purposes the Proprietor thereof, and the overplus if any there be,

Shares of delinquents to be sold and mode prescribed.

shall be paid, on demand, by the Treasurer, to the Person whose Share, or Shares shall have been thus Sold.

First meeting.

SECTN. 8TH. *Be it further enacted* that Isaac Davenport, Joseph Billings and Jeremiah Smith Boies or any two of them, may appoint and notify a meeting of said Corporation for the purpose of choosing a Clerk (who shall be under oath) and such other Officers as may be determined upon by said Corporation, for regulating the concerns thereof; and the said Corporation may then and there agree upon such method of calling future meetings as they may Judge proper.

Account of  
cost of road  
and annual  
statements to  
be exhibited.

SECTN. 9TH. *Be it further enacted* that the said Corporation shall within Six months after the said Road is completed, Lodge in the Secretarys Office, an account of the expences thereof and the said Corporation shall annually exhibit to the Governor & Council, a true account of the income, or Dividend arising from said Toll with their necessary annual Disbursements on said Road; and that the Books of said Corporation shall be at all times subject to the inspection of a Committee of the General Court and to the inspection of the Governor and Council, when called for.

Corporation  
may be dis-  
solved when  
indemnified  
with interest.

SECTN. 10TH. *Be it further enacted* that the General Court may dissolve the said Corporation, whenever it shall appear to their satisfaction, that the income arising from the Toll, shall have fully compensated the said Corporation, for all monies they may have expended, in purchasing, repairing, & taking care of said Road together with an Interest thereon at the rate of Twelve ¢ Cent. by the year; and thereupon the property of the said Road shall be vested in this Commonwealth and at their disposal. *Provided, however* that if the said Corporation, shall neglect to complete the said Turnpike Road, for the space of two Years from the passing of this act, the same shall be void and of none effect.

Sign-board.

SECTN. 11TH. *Be it further enacted* that the said Corporation shall, at all the places where the said Toll is collected, erect, and keep constantly Exposed to view, a Sign board with the Rates of Toll of all the tollable articles fairly and legibly written or printed thereon in large or Capital Characters.

*Approved March 16, 1805.*

1804. — Chapter 129.

[January Session, ch. 83.]

AN ACT ESTABLISHING AN ACADEMY IN THE TOWN OF BATH,  
IN THE COUNTY OF LINCOLN, BY THE NAME OF BATH  
ACADEMY.

*Whereas the encouragement of literature in the rising Generation has ever been considered by the wise and good, as the basis upon which the Safety & happiness of a free people ultimately depend; And whereas Dummer Sewall, Esquire & others, have petition'd this Court for the establishment of An Academy in Bath, in the County of Lincoln, for that purpose:*

Preamble.

SECTION 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that there be, & hereby is established in the Town of Bath, in the County of Lincoln, an Academy, by the name of Bath Academy, for the purpose of promoting piety and virtue; and for the education of youth, in such languages and in such liberal arts and sciences, as the trustees hereinafter provided, shall order and direct.

Academy established.

SECTION 2D. *And be it further enacted,* that Dummer Sewall, Esq. Revd. Josiah Winship, Peleg Tallman, Esq. Nathaniel Coffin, Esq. Joshua Shaw, Esq. Mr. John Richardson, William Webb, Esq. John Peterson, Esq. Hon. Mark L. Hill, Esq. Dudley B. Hobart, Esq. William King, Esq. Benjamin J. Porter, Esq. Mr. Samuel Davis, Mr. Isaiah Crooker, and Doctor Samuel Adams, be, and they are hereby nominated & appointed trustees of said Academy, and they are hereby incorporated into a body politic, by the name of the "Trustees of Bath Academy" and they & their Successors shall be & Continue a body politic and Corporate by the same name forever.

Trustees.

Corporate name.

SECTION 3D. *And Be it further enacted,* that the said Trustees & their Successors shall have one Common Seal, which they may break, change and renew, from time to time, as they shall see fit, and they may sue, and be sued, in all actions, real, personal, and mixed, and prosecute, and defend the same to final judgement and execution, by the name of the Trustees of Bath Academy, and may appoint an agent or agents to prosecute or defend such suit or suits.

Corporation to have a seal; may sue and be sued, &c.

Trustees to appoint officers,  
&c.

SECTION 4TH. *And be it further enacted*, that the said Dummer Sewall & others, the Trustees aforesaid, and their successors, be, and they are hereby made the Visitors, trustees & governors of the said Academy in perpetual succession forever, to be continued in the way and manner herein-after specified, with full power and Authority to elect such officers of the said Academy as they shall judge necessary and Convenient, & to make and ordain, such Laws, orders & rules, not repugnant to the laws of this Commonwealth, for the Good government of said Academy, as to them shall seem fit and requisite.

Number of trustees.

SECTION 5TH. *And be it further enacted*, that the number of the Trustees aforesaid, shall not, any time, be more than fifteen nor less than nine, five of whom at least, shall be necessary to constitute a quorum for transacting business.

Vacancies.

SECTION 6TH. *And be it further enacted*, that whenever one or more of the Trustees aforesaid shall die or resign, or in the judgement of the major part of the trustees shall be rendered incapable, by age or otherwise, of discharging the duties of his Office, the trustees then surviving may elect one or more persons to fill the vacancy or vacancies.

Trustees may hold property,  
&c.

SECTION 7TH. *And be it further enacted*, that the trustees aforesaid and their successors, be, and they are hereby rendered Capable in law, to take and hold, by gift, or grant, devise, bequest or otherwise, any lands, tenements, or other estate, real or personal, which have heretofore been given or subscribed, or which may hereafter be given or subscribed, for the purpose aforesaid. *Provided*, the annual income of the said real estate shall not exceed the sum of Two thousand Dollars, and the annual income of said personal estate shall not exceed the sum of Five thousand Dollars. And all deeds & Instruments, which the said Trustees may lawfully make, shall be sealed with their seal, and bind the Trustees & their Successors & be valid in law.

Half township of land granted.

SECTION 8TH. *And be it further enacted*, that there be, and hereby is granted to the said Trustees and to their successors forever, for the use of said Academy, one Half Township of six miles square of the unappropriated lands belonging to this Commonwealth in the district of Maine, (excepting the Ten Townships on Penobscott river lately purchased by the Commonwealth of the Indians, and ex-

cepting likewise the land lately Contracted to be sold to Jackson & Flint and which Contract is now rescinded,) to be laid Out and Assigned by the Commissioners for the sale of Eastern Lands, under the restrictions and reservations made in simillar Cases, on Condition that the treasurer of said trustees, shall, within three years from the passing of this Act, Certify to said Commissioners that the sum of three Thousand Dollars, has been actually raised & secured for the endowment of said Academy, and appropriated to the use thereof.

SECTION 9TH. *And be it further enacted*, That Peleg Tallman, be, and he hereby is Authorised and empower'd to appoint the time and place for holding the first meeting of said Trustees and notify them thereof.

First meeting.

*Approved March 16, 1805.*

## 1804. — Chapter 130.

[January Session, ch. 84.]

AN ACT TO ALTER THE NAMES OF CERTAIN PERSONS THEREIN MENTIONED.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that from and after the passing of this Act, Oliver Ware, junr., of Wrentham, in the County of Norfolk, shall be allowed to take the name of Arom Allchorous; that Samuel Hunt, junr., of Boston, in the County of Suffolk, shall be allowed to take the Name of John Dixwell; that David Curtiss, junr., of Granville, in the County of Hampshire, shall be allowed to take the Name of David Bishop Curtiss; that Charles Thayer, son of Ziphion Thayer, upholsterer, of Boston, in the County of Suffolk, shall be allowed to take the Name of Charles Lambert Thayer; that Joseph How, of said Boston, shall be allowed to take the Name of Joseph Neals How; that William Goodridge, of said Boston, shall be allowed to take the Name of William Marcellus Goodrich; that Ebenezer Beckford, son of Ebenezer Beckford, of Salem, in the County of Essex, shall be allowed to take the Name of Ebenezer Hunt Beckford; that Samuel Derby, of said Salem, Merchant, shall be allowed to take the Name of Samuel Gardner Derby; that Jeremiah Fogg, of Boston, aforesaid, son of Daniel Fogg, of Braintree, in the County of Norfolk, shall be allowed to take the Name of Jeremiah Parsons Fogg;

Names changed.

that Jonathan Weston of Eastport, in the County of Washington, and son of Jonathan Weston, of Reading in the County of Middlesex, shall be allowed to take the Name of Jonathan De Lesdernier Weston; that William Brooks, of Medford, in the County of Middlesex, shall be allowed to take the Name of William Smith Brooks: And said persons shall, in future, be respectively known, and called by the Names, which they are respectively allowed to take as aforesaid; and the same shall be considered as their only proper Names, to all intents and purposes.

*Approved March 16, 1805.*

### 1804. — Chapter 131.

[January Session, ch. 85.]

AN ACT PROVIDING FOR THE PUNISHMENT OF INCENDIARIES, AND THE PERPETRATORS OF OTHER MALICIOUS MISCHIEFS.

SECT. 1. *Be it enacted by the Senate & House of Representatives, in General Court assembled, and by the authority of the same*, that if any person shall wilfully and maliciously set fire to the dwelling-house of another, or to any out-building adjoining to such dwelling house, or to any other building, and by the kindling of such fire, or by the burning of such other building, such dwelling-house shall be burnt, in the night time every such offender, and any person present aiding, abetting, or consenting in the commission of such offence, or accessory thereto, before the fact, by counselling, hiring or procuring the same to be done, who shall be duly convicted before the Supreme Judicial Court of either of the felonies & offences aforesaid, shall suffer the punishment of death.

Punishment  
for burning a  
dwelling-house  
in the night or  
assisting  
therein.

SECT. 2. *Be it further enacted*, that if any person shall wilfully and maliciously burn in the day time, the dwelling-house of another, or any out-building adjoining to such dwelling house, or any other building, whereby such dwelling house shall be burnt; or if any person shall wilfully and maliciously set fire to any meeting-house, church, court-house, town-house, college, academy or other building erected for public uses or to the store, barn or stable of another within the curtilage of any dwelling house; and by the kindling of such fire, such meeting house, or other building erected for public uses, or such store, barn, or stable shall be burnt in the night time, every such offender, & any person present, aiding,

Punishment for  
burning a house  
in the day-time  
or any meeting-  
house, court-  
house, &c. in  
the night-time.

abetting or consenting in the commission of such offence, or accessory thereto, before the fact, by counselling, hiring or procuring the same to be done, who shall be duly convicted before the Supreme Judicial Court, of either of the felonies and offences aforesaid, shall be punished by solitary imprisonment, for such term, not exceeding one year, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, and by confinement afterwards to hard labour for life.

SECT. 3. *Be it further enacted*, that if any person shall wilfully and maliciously burn, in the day time, any meeting house or other building erected for public uses, or any store barn or stable of another within the curtilage of any dwelling house; or if any person shall wilfully and maliciously burn by night or day, any other store, barn, stable, house or building whatsoever, or any ship or vessel lying in the body of any County; every such offender, and any person, aiding or consenting in the commission of such offence, who shall be duly convicted thereof, before the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term, not exceeding one year, and by confinement afterwards to hard labour, for such term, not exceeding ten years, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the nature and aggravation of the offence.

Punishment for burning a meeting-house, &c. in the day-time or any store, &c. by night or day.

SECT. 4. *Be it further enacted*, that if any person shall wilfully & maliciously burn any stack of corn, hay, grain, straw, corn-stalks, flax, fences, piles of wood, boards, or other lumber; or any soil, grass, trees, poles or underwood, of another, and if any person shall wilfully and maliciously kill, maim, or disfigure any one or more of the horses, sheep or cattle of another, every such offender, & any person aiding & consenting in the commission of such offence, who shall be duly convicted thereof before the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term not exceeding six months & by confinement afterwards to hard labour, for such term, not exceeding three years, or by fine not exceeding five hundred dollars, & by imprisonment in the common goal, not exceeding one year, at the discretion of the Justices of the said Court before whom the conviction may be, & as they shall sentence and order, according to the nature & aggravation of the offence.

Punishment for burning any stack of corn, hay, &c. &c. and for killing or maiming any cattle.

Punishment for  
concealing, &c.  
any perpetra-  
tor of the fore-  
going offences.

SECT. 5. *And be it further enacted*, that if any person after any felony or offence done and committed by any Incendiary in any manner as aforesaid, shall knowingly harbour, conceal, maintain, assist or relieve such offender, or any accessory before the fact in any such felony or offence, every such accessory after the fact, who shall be duly convicted thereof before the Supreme Judicial Court, shall be punished by solitary imprisonment for a term not exceeding one month & by confinement afterwards to hard labour for a term not exceeding five years; or by a fine not exceeding one thousand dollars, and by imprisonment in the common goal not exceeding one year, at the discretion of the Justices of the said Court before whom the conviction may be, and as they shall sentence and order thereupon according to the nature and aggravation of the offence.

SEC. 6. *Be it further enacted*, that this act shall be in force from and after the first day of September next and not before.

*Approved March 16, 1805.*

1804. — Chapter 132.

[January Session, ch. 86.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE WILLIAMSBURGH AND WINDSOR TURNPIKE CORPORATION.

Persons incor-  
porated.

Corporate  
name.

Course of the  
road.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same* that Calvin Hall, Benjamin Brown, Asahel Potter, Rufus Wiscot, Noah Greene, Nathaniel Luther, Edmund Lazell, William Otis, John Williams, Nehemiah May, Asa White and Elisha Hubbard, together with such others as may associate with them and their Successors, be and they hereby are instituted a Corporation by the name of the Williamsburgh and Windsor Turnpike Corporation, and shall by that name sue and be sued, and enjoy all the privileges and powers which are by law incident to Corporations for making Turnpike roads, for the purpose of laying out and making a Turnpike road from the east line of the Town of Williamsburgh in the County of Hampshire near the dwelling house of Amasa Cleveland, thence on the road now travelled towards Williamsburgh Meeting house to an Orchard owned by Joshua Warner, thence in the direction through



or near said orchard and pastures to the house of Daniel Trisdale, thence on the present travelled road by Williamsburgh Meeting house to Josiah or Dorus Dwights, thence through the westerly part of said Dwights Orchard to strike the river in the most convenient place, thence near the river, between the houses of Cary and John Steward, to the road now travelled west of the dwelling house of Captain Coffin in said Williamsburg, thence on the present travelled road, by Goshen Meeting house, to John Williams's, thence westerly in the most eligible route to the pond or river road through Goshen and Cummington, to Windsor East line, thence through Windsor, by Col. Amos Holbrook's to Rufus Wescots dwelling House, thence in the most direct and best course, to Chesshire East line, and for making and keeping the same in repair, which road shall not be less than four rods wide and the path to be travelled in not less than twenty feet wide in any place, and that when the said Turnpike road shall be sufficiently made and approved of by a Committee appointed by the Courts of General Sessions of the Peace for the County of Hampshire, and Berkshire, for that purpose, such Committee not having any Share or interest in said Turnpike, then the said Turnpike Corporation shall be authorised to erect two Turnpike Gates on the said road, at such places as the Committee of said Courts of Sessions shall judge necessary and convenient for collecting the toll. *Provided* that said turnpike gates shall not be erected on any road at present travelled. And said Corporation shall be entitled to receive of each traveller and passenger, at each of the said Gates, the following rates of toll, Viz. for each Coach, Phaeton, Chariot, or other four wheel Carriage, drawn by two horses, twenty five cents and if drawn by more than two horses, an additional sum of four cents for each horse; for every cart or waggon, drawn by two horses or Oxen, twelve and a half cents, and if drawn by more than two Oxen or horses, an additional sum of three Cents for each ox or horse, for every Curricie Sixteen Cents, for every Chaise, Chair, or other Carriage drawn by one horse, twelve cents and an half, for every man and horse five cents, for every sled or sleigh drawn by two oxen or horses, nine cents, and if drawn by more than two oxen or horses, an additional sum of three Cents for each ox or horse, for every Sled or Sleigh

Two gates  
allowed.

Toll estab-  
lished.

drawn by one horse, Eight cents, for all Oxen, horses, mules, or neat cattle, led or driven, besides those in teams and carriages one cent each, for all sheep or swine, at the rate of three cents for one dozen — *Provided* that the said Corporation may if they see cause commute the rate of toll with any person or persons, by taking of him or them a certain sum Annually to be mutually agreed on, in lieu of the toll aforesaid.

Corporation  
may purchase  
and hold land  
and to be liable  
for damages  
where same is  
taken without  
agreement.

SEC. 2D. *And be it further enacted*, that the said Corporation may purchase and hold land, over which they may make said road, and the Justices of the Courts of General Sessions of the Peace, in the Counties of Hampshire and Berkshire, are hereby authorised, on application of said Corporation, to lay out said road, or any part thereof within the said Counties of Hampshire and Berkshire, as with the consent of said Corporation they shall think proper, and the said Corporation shall be liable to pay all damages that shall arise to any person, by taking his land for such road, when the same cannot be obtained by voluntary agreement, to be estimated by Committees appointed by the Courts of General Sessions of the Peace, of the said Counties of Hampshire and Berkshire, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Penalty for  
delaying travel-  
lers or exact-  
ing illegal toll.

SEC. 3D. *And be it further enacted*, that if said Corporation, or their toll gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger, at either of the said gates, or shall demand or receive more toll than is by this act established, the Corporation shall forfeit and pay a sum not exceeding ten dollars, nor less than two dollars, to be recovered before any Justice of the Peace, of the County where the offence shall be committed, by any person injured, delayed or defrauded, in a special Action of the case, the writ in which case shall be served on said Corporation, by leaving a Copy of the same, with the Treasurer, or with some individual member of said Corporation, living in the county where the action may be brought, or by reading the same to the said Treasurer, or individual member, at least seven days before the trial. And the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of the said Corporation,

and the said Corporation shall be liable to pay all damages that shall happen to any person from whom toll is demandable, for any damage which shall arise from defect of bridges, or want of repairs in said way, and shall also be liable to presentment by the Grand Jury for not keeping the same in good repair.

SEC. 4TH. *And be it further enacted*, that if any person shall cut, break down, or otherwise injure, or destroy either of the said Turnpike Gates, or shall dig up or carry away any earth from said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass the said gates by force, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding fifty dollars, nor less than two dollars, to be recovered by the Treasurer of said Corporation to their use in an Action of trespass, and if any person with his team, Cattle or horse, turn out of said road to pass either of the Turnpike gates, and again enter on the said road, with an intent to evade payment of the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said Corporation, to the use of the same, in an Action of the case. *Provided*, that nothing in this Act shall extend to entitle the said Corporation to demand and receive toll of any person, who shall be passing with his horse or carriage to or from public Worship, or with his horse, team, or cattle, to or from his common labour on his farm, or to or from any Grist mill, or on the common and ordinary business of family concerns, or from any person or persons passing on Military duty.

Penalty for  
injuring gates  
or road and  
for attempting  
to evade toll.

Exemptions  
from toll.

SEC. 5TH. *And be it further enacted*, that the shares in the said Turnpike road, shall be taken, deemed and considered to be personal estate, to all intents and purposes, and shall and may be transferable. And the mode of transferring said shares shall be by Deed, acknowledged before any Justice of the peace, and recorded by the Clerk of said Corporation in a book for that purpose to be provided and kept.

Shares to be  
considered  
personal estate  
and to be  
transferable.

SEC. 6TH. *And be it further enacted*, that the first meeting of the said Corporation shall be held at the house of Col. Amos Holbrook innholder in Windsor, on the nineteenth day of June next at ten of the Clock in the forenoon, for the purpose of choosing a Clerk, who shall

First meeting.

be sworn to the faithful discharge of the duties of his said office, and such other officers as may then and there be agreed upon by the said Corporation, and said Corporation may then establish such rules and regulations, as shall be judged necessary, for the better management of its affairs, *Provided* such regulations shall not be repugnant to the Laws of this Commonwealth, and the said Corporation may at the same time agree upon a method of calling future Meetings.

Account of cost of road and annual state-ments to be exhibited.

SEC. 7TH. *And be it further enacted* that the said Corporation shall within six months after the said road is compleated, lodge in the Secretary's Office an account of the expences thereof and shall annually exhibit to the Governor and Council, a true account of the income or dividend arising from the said toll, with their necessary and annual disbursements on said road, and that the books of the Corporation shall at all times be subject to inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor & Council when called for.

Shares of delinquents to be sold and mode prescribed.

SEC. 8TH. *And be it further enacted*, that whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the Corporation, to their Treasurer within sixty days from the time set for the payment thereof, the Treasurer of said Corporation is hereby authorised to sell at Public Vendue, the share or shares of such delinquent Proprietor, one or more as shall be sufficient to defray said taxes, and necessary incidental Charges, after duly notifying in a News paper printed in Northampton, or in case their shall be no such paper printed there at the time, then in some other news paper printed in the County of Hampshire, the sum due on any such shares, and the time and place of sale, at least thirty days previous to the time of sale, and such sale shall be a sufficient transfer of the share or shares so sold to the persons purchasing the same, and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk, entered on the books of the said Corporations, and such persons shall be considered, to all intents and purposes, the proprietor thereof, and the overplus if any there be, shall be paid on demand to the person whose shares were then sold.

SEC. 9TH. *And be it further enacted*, that the said Corporation shall at all places where the said toll shall be collected, erect and keep constantly exposed to view, a sign or board with the rates of toll, of all the tollable articles fairly and legibly written thereon, in large or capital Characters.

Sign-board to be erected.

SEC. 10TH. *And be it further enacted*, that the General Court may dissolve said Corporation whenever it shall appear to their satisfaction that the income arising from the said toll, shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of said road, together with an interest thereon, at the rate of twelve per centum, by the year, and thereupon the property of the said road shall be vested in this Commonwealth and be at their disposal, *Provided* that if the said Corporation shall neglect to compleat the said Turnpike road, for the space of five Years from the passing of this Act the same shall be void and of no effect.

Corporation may be dissolved when indemnified with interest.

*Approved March 16, 1805.*

## 1804. — Chapter 133.

[January Session, ch. 87.]

### AN ACT AGAINST SODOMY AND BESTIALITY.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That if any man shall commit the Crime against nature with a man or male child, or any man or woman shall have carnal copulation with a beast, every such Offender, being duly convicted thereof, in the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term, not exceeding one year, & by confinement afterwards to hard labour, for such term, not exceeding ten years, as the Justices of said Court, before whom the conviction may be, shall sentence and order.

SEC. 2. *Be it further enacted*, That this Act shall be in force from and after the first day of September next.

*Approved March 16, 1805.*

## 1804. — Chapter 134.

[January Session, ch. 88.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO REGULATE THE CATCHING SALMON SHAD AND ALEWIVES AND TO PREVENT OBSTRUCTIONS IN MERRIMACK RIVER AND IN THE OTHER RIVERS AND STREAMS RUNNING INTO THE SAME WITHIN THIS COMMONWEALTH AND FOR REPEALING SEVERAL ACTS HERETOFORE MADE FOR THAT PURPOSE."

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same* That so long as there shall be a forge or mill on the Nashua River between Groton and Pepperrell where Ephraim Lawrence's forge and mill are now situated on said river or there shall be erected or kept any dam across said river for the working said forge or mill it shall be the duty of the owner or occupant of such forge or mill to cause to be made a sluice or passage way for fish to pass up and down through such dam where the same has been marked out and directed by the Hon. Jonathan Maynard Esq. the Hon. Loammi Baldwin Esq. and William Adams Esq. a Committee of the Legislature appointed by an order of both Houses passed on the nineteenth day of June last past for that purpose, conformable to a plan of said sluice or passage way made by said Committee and annexed to their report made to the Legislature during their present session which said sluice or passage way shall be kept in good repair by such owner or occupant and shall be not less than fifteen inches wide in the narrowest parts thereof and shall be kept open from the fifteenth day of April to the fifteenth day of June inclusive in each year.

Sluice or passage way for fish to be made.

SECT. 2. *Be it further enacted* That so long as the owner or occupant of such forge or mill shall cause to be made and kept open as aforesaid a sluice or passage way through said dam of the dimensions aforesaid and of the form and construction prescribed by said Committee for the free passage of fish up and down the said river such owner or occupant shall not be subject to any prosecution under or by force of the act for regulating the catching salmon shad and alewives and for preventing obstructions in Merrimack River and in the other rivers and streams running into the same nor to any of the for-

Owner or occupant of forge or mill not to be liable to prosecution as long as sluice-way is kept open.

feitures therein contained, any law usage or custom to the contrary notwithstanding.

SECT. 3. *Be it further enacted* That this act shall continue & be in force for and during the term of five years from the passing thereof and no longer. Act limited.

*Approved March 16, 1805.*

## 1804. — Chapter 135.

[January Session, ch. 89.]

AN ACT ENABLING THE MINISTER OF THE FIRST CHURCH IN CAMBRIDGE, TO EXCHANGE OR SELL A CERTAIN PIECE OF LAND GRANTED TO THE MINISTERS OF THAT CHURCH IN SUCCESSION.

*Whereas Andrew Belcher by his deed bearing date the twentieth day of April, Anno Domini One thousand seven hundred and eleven “did freely, fully and absolutely give, grant, surrender, release, assign, transfer, and forever quitclaim to William Brattle, Clerk, then Pastor of the Church and Congregation in the body of the town of Cambridge, and his successors in the ministry to the said Church and Congregation forever,” a piece of Salt marsh in said Cambridge, therein described, and containing about three acres, “to have and to hold the same to the said William Brattle and his successors in the ministry to the Church and Congregation aforesaid, to his and their only proper use forever; he and they successively to have, receive, take and enjoy the rents issues and profits of the same from time to time, and at all times forever thereafter.” And whereas Abiel Holmes the present minister of the said Church and Congregation is desirous to exchange the said granted premises for other lands to be holden in succession as aforesaid, or other wise to sell the same, and to vest the proceeds thereof in other real estate to be holden as aforesaid; & the inhabitants of said parish or precinct have by their vote, at a meeting for that purpose had on the fifth day of March current, signified their consent thereto,* Preamble.

SEC. 1ST. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Abiel Holmes be, and he is hereby authorized and empowered by and with the consent of the Committee appointed by the vote aforesaid for that purpose, to make and duly execute a deed of exchange with any person or persons of the said peice of Salt marsh for such other real estate as Deed of exchange authorized.

shall be by him and the said Committee, or such Committee for the time being, agreed to be taken in exchange therefor; and the said Abiel Holmes, in his said capacity, is hereby authorized to receive take and hold to him and his successors forever any real estate which shall be so conveyed to him in exchange as aforesaid, or to sell as aforesaid the said peice of Salt marsh, and to vest the proceeds thereof in other real estate to be holden in like manner in all respects as the said salt marsh is now holden, and the rents, issues and profits thereof shall accrue and enure to the sole use and benefit of him the said Abiel Holmes during his continuance in the ministry aforesaid, and to his successors in said Office forever, and to no other use whatever.

If marsh land is sold, proceeds to be put at interest.

SEC. 2D. *And be it further enacted*, That if the said peice of Salt marsh should not be exchanged for other real estate, as is afore provided, but be sold, that then, and in such case the proceeds of sale shall be placed in some public fund or bank stock, or put out at interest as shall or may be agreed upon by the said minister of said parish and the said Committee, or the minister and the Committee of the said parish for the time being, or such other person or persons as the said inhabitants of said parish shall think fit to appoint from time to time to manage the same, with the consent of the minister thereof, untill such proceeds shall be vested in other real estate; and the income, interest or profits of such proceeds, until the same may or shall be vested in real estate as aforesaid, shall accrue and enure to the sole use and benefit of the said Abiel Holmes, during his continuance in his said ministry, and to his successors, and to no other use whatever: *Provided always* that the same, during the vacancy of said Office, whenever it shall happen, shall be added to the capital sum, and be taken and considered to every intent as part thereof; and the income, interest or profits of such additional sums, shall enure and accrue to the use of the minister of said parish for the time being.

Proviso.

*Approved March 16, 1805.*

## 1804.—Chapter 136.

[January Session, ch. 90.]

AN ACT TO PREVENT THE CIRCULATION OF PRIVATE NOTES, BILLS, ORDERS, AND CHECKS UNDER FIVE DOLLARS.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the*



*Authority of the same*, That if any person shall, after the tenth day of April next, issue, or pass, any note, bill, order, or check, other than the Notes or bills of any Bank incorporated by the Laws of this Commonwealth, or of some one of the United States, for a sum less than five Dollars, or whereon less than five dollars shall be due at the time of such issuing or passing thereof, with an intent that the same shall be circulated as currency, he shall forfeit and pay for every such offence the sum of fifty dollars, to be recovered by indictment in the Supreme Judicial Court, to the Use of the Commonwealth; indictment in the Court of Common pleas, to the use of the County; or Action of Debt to the use of any person who shall first sue therefor, in any Court of Competent Jurisdiction. *Provided However*, that nothing herein contained shall affect the rights or privileges already granted to any Bank or Banks incorporated within this Commonwealth, or be construed to extend to persons receiving or passing any bill issued by such Bank.

Penalty for passing notes, &c. less than five dollars in amount as currency.

SECTN. 2D. *And be it further enacted*, That an Act, entitled “An Act to restrain the issuing of printed promissory Notes of certain denominations, and for other purposes” passed on the eighteenth day of February last, shall not be deemed or construed to extend to any bill, note, Check, draught, or obligation, on which there shall be due an amount greater than Five Dollars, any thing in said act to the contrary notwithstanding: *Provided*, that nothing herein contained shall be construed to repeal in whole, or in part an Act, entitled an Act to prevent the Circulation and Currency of bank bills of a denomination less than five Dollars.

Former act not to affect notes, &c. for a greater amount than five dollars.

*Approved March 16, 1805.*

## 1804. — Chapter 137.

[January Session, ch. 91.]

AN ACT TO INCORPORATE BENJAMIN HALL ESQR. & OTHERS BY THE NAME OF “THE PROPRIETORS OF THE MEDFORD BRANCH, CANAL & LOCKS BETWEEN THE MIDDLESEX CANAL & MYSTIC RIVER AND EASTERLY OF THE POST ROAD LEADING FROM CHARLESTOWN TO MEDFORD.”

*Whereas Benjamin Hall and others have obtained permission from the proprietors of the Middlesex Canal to open a Communication between said Canal & Mystic river by a Branch and Locks to be constructed Easterly of the post road leading from Charlestown to Medford and have petition'd to be incorporated for that purpose.*

Preamble.

SECTION 1ST. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same*, that Benjamin Hall Esqr. Richard Hall & Ebenezer Hall, their Associates & Successors are hereby incorporated & shall be a Corporation forever under the name of the Proprietors of the Medford Branch Canal & Locks between the Middlesex Canal and Mystic River & Easterly of the Post-road leading from Charlestown to Medford, and by that name may sue & be sued, and shall be and hereby are vested with all the powers & privileges incident to Corporations of a similar nature.

Persons incorporated.

Corporate name.

First meeting.

SECTION 2D. *And be it further enacted*, that the Proprietors of said Medford Branch Canal & Locks or any two of them be empowered to notify a meeting of the said proprietors at such time & place, as they may think proper by advertizing the same in two of the Boston newspapers, fifteen days before the time of holding such meeting; to regulate the manner of calling future meetings of the proprietors, and to do & transact such matters & things as shall be expressed in the notification for said meeting, that the said Proprietors may at the same time Choose a Clerk, Treasurer and such other Officers as they shall deem necessary — and also may Choose a Committee for ordering and regulating the business and affairs of the said Corporation.

Shares, &c.

SECTION 3D. *Be it further enacted*, that the proprietary interest shall be divided into thirty shares and that each share therein shall entitle the Proprietors thereof to one Vote, *Provided however*, that no one Proprietor shall have a right to more than five Votes at any meeting of the Proprietors, and that all matters shall be determined by the major votes of the proprietors present at any meeting duly called, and of Proxies specially appointed.

Shares to be transferable.

SECTION 4TH. *Be it further enacted* that the said Medford Branch Canal & Locks shall be so far Considered personal estate, that the shares thereof may be transfered in such manner as the said Corporation shall establish, and that this Act and all rules, regulations & votes of the said Corporation shall be fairly and truly recorded by the Clerk thereof in a Book or Books to be provided & kept for that purpose.

Toll established.

SECTION 5TH. *Be it further enacted* that for the purpose of reimbursing the said Proprietors the moneys by them to be expended in forming, building and supporting

the Branch & Locks aforesaid, a Toll be & is hereby granted and established for the benefit of the proprietors according to the rates following viz. for every Ton weight that shall be transported in Boats or other vessels, thro' the said Medford Branch Canal & Locks, the Sum of one Sixteenth part of a Dollar per Ton for each lock and the same sum pr. Ton for all masts, timber, & Lumber floated or rafts or otherwise through the said Branch or Locks. And whereas it may be necessary in the formation of the said Branch & Locks that the property of private persons may (as in the case of Highways) be appropriated for the use of the said Medford Branch Canal & Locks, by the Digging & forming of the said Branch & Locks or by being overflowed or damaged.

SECTION 6TH. *Be it therefore enacted*, that in all such cases the person or persons damaged, shall be entitled to the same means of redress which are established and provided in the Case of persons damaged in like manner by the Middlesex Canal, and the same modes of process shall be pursued.

In case private property is taken.

SECTION 7TH. *Be it further enacted*, that the said Proprietors be, and they are hereby authorised and empowered to purchase & hold Real Estate to the value of Ten thousand Dollars.

Real estate may be held.

SECTION 8TH. *Be it further enacted*, that there shall be toll gatherers to attend the Locks on said Branch in the day time and at suitable places, who shall give Constant Attendance at their respective stations during the season for Boats & rafts to pass, and on the toll being paid shall immediately permit passengers with their property to pass the said Branch & Locks, *Provided However* that nothing in this Act shall contravene or be construed to contravene the true intent and meaning of the provisions, agreements, restrictions & qualifications, Contained in an indenture made and executed on the eighth day of October last by & between the proprietors of the Middlesex Canal of the one part, and Benjamin Hall, Richard Hall and Nathaniel Hall for themselves & their Associates of the other part, but the same shall be binding on the Corporation hereby created.

Toll gatherers to give constant attendance.

A certain indenture confirmed.

SECTION 9TH. *And Be it further enacted*, that the Toll on said Branch & Locks shall commence as soon as the said Branch and Locks shall be Completed. And whereas the said Medford Canal will Cross the Medford Turnpike

Commencement of toll.

road at which place of Crossing a Bridge on the said Turnpike Road will be necessary for passing said Canal & Locks.

Dimensions,  
&c. of bridge to  
be erected.

SECT. 10. *Be it further enacted*, that said Bridge shall not be raised to a greater hight from the top of said Turnpike Road as it now is to the Upper side of the planking in the middle of said Bridge than four feet and six inches; that the said Bridge be built the full width of said Turnpike road, from railing to railing; That the ascent of the Causway from the present level of the said Turnpike Road to said Bridge on both sides of the same, shall not exceed the ratio of five inches to a rod, That said Bridge and Causeway shall be finished to the Acceptance of the standing Committee of the said Turnpike Corporation, and that said Bridge and Causeway shall be made & kept in repair forever by the proprietors of the said Medford Canal & Locks.

*Approved March 16, 1805.*

1804. — Chapter 138.

[January Session, ch. 92.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE FRYEBURG, BALDWIN AND PORTLAND TURNPIKE CORPORATION.

Persons incor-  
porated.

SECTION 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jacob McGaw, Judah Dana, James Osgood, Lewis McMillan, Robert Bradley, Timothy Osgood, Henry Y. B. Osgood, William Fessenden, John McMillan, John Bradley, Philip Page, Joshua B. Osgood, Seth Spring, Simon Frye and Philip Eastman, with such others as may hereafter associate with them and their successors, be, and they are hereby constituted a Corporation, by the name and style of the Fryeburgh, Baldwin and Portland Turnpike Corporation, with all the Powers and privileges incident to and usually given and belonging to similar Corporations; for the purpose of laying out, making and keeping in repair a Turnpike Road between the Notch of the White Hills, in New Hampshire, and Portland in the District of Maine: said Turnpike Road to commence at or near to Fryeburg Academy in Fryeburg; and thence to run, in the most direct and convenient course, towards Portland, through the Towns of Brownfield, Hiram, Baldwin, and a part of Standish, and to terminate at or near Standish Meeting-House; which Turnpike Road shall

Corporate  
name.

Course of the  
road.

not be less than four rods wide ; and the part to be travelled on not less than twenty four feet wide, in any part thereof ; and the said Corporation are hereby authorised to erect, and shall be obliged to keep in good repair, all such bridges as may be necessary on said Turnpike Road ; and when said Road shall be sufficiently made, and shall be allowed and approved by a Committee appointed, by the Courts of General Sessions of the Peace for each of the Counties of Oxford and Cumberland, for that purpose ; (provided that no member of either of the said Committees shall have any share or interest in said Turnpike Road, or shall own any Land through which the same shall pass, and shall Judge only of the portion of the said Turnpike in the County in which he resides) then the said Turnpike Corporation shall be authorised to erect gates on the said Road, at such places as the said Committee of the said Courts of Sessions and the said Corporation shall judge necessary and convenient for collecting the toll : Provided that no turnpike gate be erected, nor any toll demanded on any part of the present travelled roads ; and there shall not be more than four gates erected upon said Turnpike road ; and the said Corporation shall be entitled to receive of each traveller or passenger, at each of the said gates, the following rates of toll, viz. for each coach, chariot, phaeton or other four wheeled carriage, drawn by two horses, twenty five cents, & if drawn by more than two horses, an additional sum of four cents for each horse ; for every cart or waggon drawn by two oxen or horses ten cents ; and if drawn by more than two oxen or horses, an additional sum of three cents for each ox or horse ; for every curricule fifteen cents ; for every chaise, chair or other carriage drawn by one horse twelve cents ; for every man & horse five cents ; for every sled or sleigh drawn by two oxen or horses eight cents ; and if drawn by more than two oxen or horses an additional sum of two cents for each ox or horse ; for every sled or sleigh drawn by one horse, six cents ; for all horses, mules, oxen or neat cattle, led or driven, besides those in teams or carriages, one cent each ; for all sheep or swine at the rate of six cents for one dozen ; *provided* that said corporation may, if they see cause, commute the rate of toll with any corporation, person or persons, by taking of him or them, a certain sum annually, to be mutually agreed on, in lieu of the toll aforesaid. And the said Corporation at

Bridges may erected.

Gates allowed, &c.

Toll established.

Toll may be commuted.

Sign-board.

each place where the toll aforesaid shall be collected, shall erect in a conspicuous place, and constantly keep exposed to open view, a sign board with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital characters: *provided, also*, that not more than half the rate of toll aforesaid, shall be demanded for carts or waggons, the fellies of the wheels of which shall be not less than six inches in width: and the General Court shall have the right otherwise to regulate the toll on carts and waggons according to the width of the fellies of the wheels on which they shall run & the burthen they shall carry.

Corporation may purchase and hold land and to be liable for damages where same is taken without agreement.

SECTION 2. *And be it further enacted*, that the said corporation may purchase and hold land over which they may make said road; and the Justices of the Courts of General Sessions of the peace in the Counties of Oxford & Cumberland are hereby authorized, on application of the said Corporation, to lay out the said road or any part thereof, within the said Counties of Oxford & Cumberland by a Committee appointed by said Courts, as, with the consent of said Corporation, they shall think proper; and the said Corporation shall be liable to pay all damages which may arise to any person, by taking his or her land for such road, (where the same cannot be obtained, by mutual agreement, of said corporation and the owner of such land,) to be estimated by said Committee (provided that no member of the committee, appointed in either of said counties shall have any share or interest in said Turnpike road or in the land which may be taken to make said road) saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of damages arising from the laying out of highways.

Penalty for delaying travellers or exacting illegal toll.

SECTION 3. *And be it further enacted*, that if the said corporation or their toll gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at either of said gates, or shall demand or receive more toll than is by this act established, the said corporation shall forfeit & pay a sum not exceeding ten dollars nor less than two dollars, to be recovered before any Justice of the peace of the County where the offence shall be committed, by any person injured, delayed or defrauded, in a special Action of the Case, the writ in which case shall be served on the corporation, by leaving a copy of the same with the treasurer or with some individual member thereof living in the County where the action may be

brought, or by reading the same to the said treasurer or individual member at least seven days before the trial. And the treasurer of the said Corporation or individual member shall be allowed to defend the same suit in behalf of the said corporation. And the said Corporation shall be liable to pay all damages which may happen to any person from whom toll is demandable, for any damage which shall arise to such person, from defect of bridges or want of repairs in the said Turnpike road, and the said Corporation shall also be liable to presentment by the Grand Jury, for neglecting to keep the same in good repair.

SECTION 4. *And be it further enacted*, that if any person shall break down, cut or otherwise injure or destroy either of the said Turnpike gates, or shall dig up or carry away any earth from the said road, or in any manner damage the same; or shall forcibly pass or attempt to pass any of the said Gates by force, without having first paid the legal toll at such gate, such person shall forfeit and pay a fine not exceeding ten dollars nor less than five dollars to be recovered by the treasurer of the said Corporation, to their use, in an action of trespass on the case. And if any person with his team, cattle or horse, turn out of the said road and again enter on the same with intent to evade the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the treasurer of the said corporation to the use of the same, in an action of debt or on the case: *Provided* that nothing in this act shall extend to entitle the said Corporation to demand & receive toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle to or from his common labour on his farm or to or from any grist mill, or on the common & ordinary business of family concerns, or from any person or persons passing on military duty.

Penalty for  
injuring gates  
or road and  
for attempting  
to evade toll.

Exemptions  
from toll.

SECTION 5. *And be it further enacted*, that the shares in the same turnpike shall be taken, deemed & considered to be personal estate to all intents & purposes, and shall and may be transferable; and the mode of transferring the said shares shall be by deed acknowledged before any Justice of the Peace, and recorded by the clerk of the said corporation, in a book to be provided & kept for that purpose.

Shares to be  
considered per-  
sonal estate and  
to be transfer-  
able.

SECT. 6. *And be it further enacted*, that the first

First meeting.

meeting of said Corporation shall be holden at the house of James Osgood in said Fryeburg, on the last Monday of May next, at ten O'clock in the forenoon, for the purpose of choosing a clerk who shall be sworn to the faithful discharge of the duties of his office; and such other officers as may then & there be agreed upon by said Corporation; and the said Corporation may at any legal meeting thereof establish such rules and regulations, as shall be judged necessary for the well ordering of its affairs; and at the said first meeting may determine the method of calling future meetings: *Provided*, that such rules & regulations shall, in no case, be repugnant to the constitution, or the laws of this Commonwealth.

Account of cost  
of road and  
annual state-  
ments to be  
exhibited.

SECTION 7. *And be it further enacted*, that the said Corporation shall, within six months after the said road is compleated, lodge in the Secretary's office an account of the expences thereof; and that the said corporation shall annually exhibit to the Governor and Council, a true account of the income or dividend arising from said toll, with their necessary annual disbursements on the said road; and that the books of the said corporation shall at all times be subject to the inspection of a committee appointed by the General Court for that purpose, or to the inspection of the Governor and Council when called for.

Shares of delin-  
quents to be  
sold and mode  
prescribed.

SECTION 8. *And be it further enacted*, that whenever any proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon, by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said corporation is hereby authorized to sell at public vendue the share or shares of such delinquent proprietor, one or more as shall be sufficient to defray said taxes and necessary incidental charges, after having given public notice of such sale in two or more of the newspapers printed at Portland in said County of Cumberland, the sum due on any such share or shares, and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing the same; and on producing a certificate of such sale from the treasurer to the clerk of the said Corporation, the name of such purchaser, with the number of shares so sold, shall be, by the clerk, entered on the books of the said corporation, & such purchaser shall be considered, to all intents and purposes, the pro-



prietor thereof, and the overplus, if any there be, shall on demand be paid by the Treasurer, to the person whose share or shares shall be sold.

SECTION 9. *And be it further enacted*, That the General Court may dissolve the said Corporation whenever it shall appear to their satisfaction that the income arising from said toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing & taking care of the said road, together with an interest thereon at the rate of twelve per cent. per annum; & thereupon the property of the said road shall be vested in this Commonwealth, & be at their disposal: *Provided*, that if the said Corporation shall neglect to complete said Turnpike road, within seven years from the passing of this act, the same shall be void & of no effect.

Corporation may be dissolved when indemnified with interest.

*Approved March 16, 1805.*

## 1804. — Chapter 139.

[January Session, ch. 93.]

AN ACT TO INCORPORATE WILLIAM GRAY JUNR. ESQR. AND OTHERS BY THE NAME OF "THE AMESBURY NAIL FACTORY COMPANY."

*Whereas William Gray Junr. Esqr. and others his associates have purchased the mill seats Buildings and machinery situated upon Powow River in Amesbury in the County of Essex, known by the name of the Amesbury Nail factory, and have purchased other Land, & built a rolling & Slitting Mill there — have formed a Company for the purpose of carrying on the Manufacture of Nails there and such other useful Manufactures as shall by said Company be thought for their interest — and have petitioned the General Court, that they may be incorporated with such powers as may enable them more conveniently and effectually to execute the purpose aforesaid —*

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same* That William Gray Jun. Esqr., Samuel Gray, Clifford Crowninshield, John Jenks, William Ward, Abel Lawrence, Edward Southwick William S. Gray, John Appleton, George Dodge, Merchants, and Samuel Putnam Esqr., and all persons who may hereafter become partners in said Company, be, and they hereby are made and constituted a body politic and corporate,

Persons incorporated.

Corporate  
name.

by the name of “The Amesbury Nail-factory Company,” and by that name may sue and be sued in all actions real personal or mixed to final Judgment & execution — and may do and suffer all acts matters and things which bodies politic may or ought to do and suffer — and may have and use a common seal, and [and] the same may break and alter at pleasure — *Provided however* that any proprietor alienating his share or shares in said Company shall thereupon in respect thereto cease to be a member of said Corporation; & the assignee thereof & his heirs & assigns shall be in respect thereto thence forward a member of said Corporation vested with all the rights and subject to all the Duties Penalties and payments which the assignor thereof was or might have been vested with or liable to.

Corporation  
authorized to  
erect other  
mills, &c.

SECT. 2. *Be it further enacted*, that the said Corporation shall have power & is hereby authorised to carry on the manufactures already established, and the business necessarily connected therewith, & may erect any other Mill or Mills, or buildings on the land, or over the waters now belonging to the said Corporation, upon said River, or near thereto, for the purpose of carrying on any useful Manufacture, & the business necessarily connected therewith.

Amount of real  
and personal  
estate allowed  
to be held.

SECT. 3. *Be it further enacted*, that the said Corporation may be lawfully seized and possessed of such real Estate as may be necessary and Convenient for establishing and carrying on the said manufactory & of any other useful manufacture, and the business aforesaid & also of as large a personal estate as shall be actually employed therein — *Provided* that such real Estate shall not exceed the Value of Fifty thousand Dollars, and the personal estate four hundred thousand Dollars.

Number of  
shares.

SECT. 4. *Be it further enacted*, That the property of said Corporation shall be and hereby is divided into One hundred Shares, and shall be numbered in progressive order beginning at number One — and every original member thereof shall have a Certificate under the Seal of said Corporation, and signed by the Treasurer certifying his property in such share as shall be expressed in said Certificate.

Officers to be  
chosen.

SECT. 5. *Be it further enacted*, That the said Corporation shall have power from time to time at any legal meeting to choose a Clerk, who shall be sworn by a Justice of the peace of said County to the faithful performance

of his duty — a Treasurer, and such other Officers, Directors Agents and Factors as to said Corporation shall appear necessary for the management and Government thereof — And each member of said Corporation shall have one Vote for every share not exceeding sixteen — no member shall be allowed more than Sixteen Votes: and any member may appear at any meeting or Vote by Proxy. And the said Corporation at any legal meeting may make reasonable Rules and by-laws for the Government thereof and the same may repeal at pleasure — *provided* that the same rules and bylaws shall not be repugnant to the Constitution and Laws of this Commonwealth, and provided that the proprietors of Eighty shares shall assent thereto.

SECT. 6. *Be it further enacted*, that the Articles of agreement containing the regulations and rules of said Company dated the twenty first day of October A.D. 1801 shall until the same be altered and repealed, be the Rules of said Corporation so far as the same are not repugnant to the Constitution and Laws of this Commonwealth and so far as the same are not altered by this act — and all officers chosen by force of the same articles of agreement shall and may respectively hold & exercise their several Offices & duties — until new officers be chosen in their stead. *Provided* that nothing in this act shall be so construed, as to infringe any rights heretofore belonging to the Commonwealth or to individuals.

Rules and regulations.

SECT. 7. *Be it further enacted*, that any share may be alienated by the proprietor thereof by a Deed under his hand and seal, and acknowledged before some Justice of the Peace — and recorded by the Clerk in a book to be kept for that purpose and not in any other manner except in the case herein after provided — and any purchaser shewing to the Treasurer such Deed so recorded — and delivering up to him the former Certificate shall be entitled to a new Certificate executed in form aforesaid, certifying the property in such share to be in such purchaser.

Shares may be alienated.

SECT. 8. *Be it further enacted*, that in any action to be brought or in any judgment to be rendered against said Corporation, the plaintiff not being able to find sufficient property of the Corporation to attach on mesne process, or whereon to levy his execution, shall have the right of attaching or levying his execution on any of the property of the individual members of the Corporation, in the same manner, as if the Action had been brought and

Property of individual members may be attached.

the Judgment rendered against them in their individual Capacity.

New certificates  
to be given to  
the administra-  
tors of deceased  
proprietors.

SECT. 9. *Be it further enacted*, that when any proprietor shall die possessed of any share or shares in said Company, his executor or administrator, upon producing to the Treasurer such deceased Proprietors Certificate or certificates, shall be entitled to receive a new certificate executed in form aforesaid, certifying the property of such share or shares to belong to such executor or Administrator, who shall hold such share or shares as personal estate of such deceased proprietor, and shall and may sell and dispose of the same, at public Auction or otherwise, in the same manner as by law he might sell and dispose of any Chattles of such deceased; and such executor or administrator shall and may execute and acknowledge a deed or deeds of such share or shares, and the purchaser, producing to the Treasurer the Certificate or Certificates, given to such executor or administrator, shall be entitled to receive a new Certificate or Certificates, executed in the form aforesaid, certifying such share or shares to belong to such purchaser; and such executor or administrator, who shall not have sold such share or shares, shall immediately after the settlement of the estate of such deceased proprietor deliver the Certificate or Certificates, by him received, to the heir or legatee of such deceased, who shall, upon producing the same to the Treasurer, be entit[le]d to a new Certificate or Certificates, executed in the form aforesaid, Certifying the property of such share or shares to be in such heir or Legatee.

Sales of shares  
to be adver-  
tised.

SECT. 10. *Be it further enacted*, that the time and place of all public sales of any share or shares shall be made known at least seven days before each sale, by publishing the same in the Salem Gazette or any Newspaper to be printed at Salem, and if no such newspaper shall be there printed, then a like notice shall be given in the paper published by the printer for the General Court for the time being at Boston.

This act to be  
admitted in  
evidence.

SECT. 11. *And be it further enacted*, that this shall be deemed and taken to be a public Act, and as such may be declared upon and given in evidence in any Court of law without specially pleading the same, and this Act shall continue in force, for and during the term of Twenty five years and no longer.

*Approved March 16, 1805.*

1804. — Chapter 140.

[January Session, ch. 94.]

AN ACT ESTABLISHING THE WINSOKET TURNPIKE CORPORATION.

SECT. 1ST. *Be it enacted by the Senate & House of Representatives in General Court assembled, & by the authority of the same,* That Peleg Arnold, Laban Bates, John Whiting, Oliver Smith, Eli Richardson Junr., John Needham & Lewis Fisher, and all such persons as shall be associated with them and their successors, be, and they are hereby constituted a Corporation by the name of the Winsoket Turnpike Corporation, for the purpose of laying out & making a Turnpike road, from the line of this Commonwealth, near Winsoket falls, thence running near & by the house of Laban Bates Esq. in Bellingham, in the County of Norfolk, thence through the towns of Franklin & Wrentham until it falls on to the Norfolk & Bristol Turnpike in Walpole or Dedham, in such place & as nearly on a straight line as the nature of the ground and other local circumstances will admit, and for keeping the same in repair; which road shall not be less than four rods wide and the part to be travelled on not less than twenty four feet wide, and when the said Turnpike shall be sufficiently made and approved of by a Committee of the Court of General Sessions of the peace for the County of Norfolk then the said Corporation shall be authorized to erect three Turnpike gates on the same, in such places as the said Committee shall determine, shall be entitled to receive from each traveller & passenger at each of said gates the following rates of toll, to wit, for every Coach, Phaeton, Chariot or other four wheel carriage drawn by two horses twenty five cents, and if drawn by more than two horses an additional sum of four cents for each horse, for every Cart, Waggon, Sled or Sleigh drawn by two horses or oxen ten cents & if drawn by more than two, an additional sum of three cents for each ox or horse, for every Curricule seventeen cents, for every chaise, chair or other carriage drawn by one horse twelve cents & an half, for every waggon or cart drawn by one horse eight cents, for every man & horse five cents, for all oxen, horses, mules or neat cattle led or driven beside those in teams and carriages one cent each, for all sheep & swine three

Persons incorporated.

Corporate name.

Toll established.

Exemptions  
from toll, &c.

cents by the dozen, and in that proportion for any number. *Provided* that nothing in this act shall authorize the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from his usual place of public worship, or with his horse team or cattle to or from his common labor on his farm, or from any person or persons passing on military duty. *Provided also* that the said Corporation may if they see fit commute the rate of toll with any of the inhabitants of any town through which the said road passes, by taking of him or them any certain sum annually to be mutually agreed on, in lieu of the toll established in and by this act. *Provided also*, that the amount of toll to be received at all or either of said gates shall not exceed the several rates abovementioned for every nine miles, and in that proportion for a less distance, “and no gate shall be erected at any part of the old travelled road,” and that not more than half the toll before mentioned shall be paid, for any Cart or Waggon before mentioned, the Fellies of the wheels of which shall be not less than six inches broad, and that the General Court may hereafter regulate the toll on Carts and Waggons according to the width of the Fellies of the wheels on which they shall run, and the burthens they shall carry.

Corporation  
may purchase  
and hold land  
and to be liable  
for damages  
where same is  
taken without  
agreement.

SECT. 2D. *And be it further enacted*, that the said Corporation may purchase & hold any lands over which they may make the said road, and the Justices of the Court of General Sessions of the peace in the County of Norfolk are hereby authorized on application from the said Corporation to lay out such road, or any part thereof, by a Committee appointed by said Court, as with the consent of the said Corporation they may deem proper; and the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road where it cannot be obtained by voluntary agreement, to be estimated by said Committee, saving to either party the right of trial by jury according to the law which makes provision for the recovery of damages happening by the laying out public highways.

Penalty for  
delaying travel-  
lers or exact-  
ing illegal toll.

SECT. 3D. *And be it further enacted*, that if the said Corporation, their toll gatherer, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand or receive more toll than is by this act established, this Corporation shall

forfeit & pay a sum not exceeding ten dollars nor less than one dollar, to be recovered before any Justice of the peace within said County by any person hindered, delayed or defrauded in a special action on the case, the writ in which case shall be served on the Corporation by leaving a copy of the same with the Treasurer, or with some member of the Corporation living in the County wherein the action may be brought, at least seven days before the day of trial, and the Treasurer or such member shall be allowed to defend the same suit in behalf of the Corporation: And the Corporation shall be liable to pay all damages which shall happen to any person from whom toll is by this act demandable, for any damages which arise from defect of bridges, or want of repairs within the same way, and shall also be liable to a fine on presentment of the Grand Jury for not keeping the same way or the bridges thereon in good repair.

SECT. 4TH. *And be it further enacted* that if any person shall cut, break down or destroy the said turnpike gates, or either of them, or shall forcibly pass, or attempt by force to pass the same without having first paid the legal toll at said gate, such person shall forfeit & pay a fine not exceeding fifty dollars nor less than five dollars, to be recovered by the Treasurer of the said Corporation, to their use in an action of debt. And if any person shall with his cattle, team, carriage or horse turn out of the said road to pass the said turnpike gate with intent to avoid the toll due by virtue of this act, & again enter on said road, such person shall forfeit and pay one dollar to be recovered by the Treasurer of the said Corporation to the use thereof, in an action of debt or on the case.

Penalty for injuring gates or road and for attempting to evade toll.

SECT. 5TH. *And be it further enacted*, that the shares in the same turnpike road shall be taken deemed & considered to be personal estate, to all intents & purposes, and shall & may be transferable, and the mode of transferring said shares, shall be by deed acknowledged before any Justice of the peace, and recorded by the Clerk of the said Corporation in a book kept for that purpose.

Shares to be considered personal estate and to be transferable.

SECT. 6TH. *And be it further enacted*, that a meeting of said Corporation shall be held at the house of Nathaniel Adams, Inholder in Franklin aforesd. on the second Monday of April next for the purpose of choosing a Clerk and such other officers as may then & there be agreed upon by said Corporation for regulating the concerns thereof, &

First meeting.

that the said Corporation may then & there agree upon such method of calling meetings in future as they may judge proper.

Account of <sup>1</sup> cost of road and annual statements to be exhibited.

SECT. 7TH. *And be it further enacted*, that the said Corporation shall, within six months after the said road shall be completed, lodge in the Secretary's Office an account of the expences thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road, and that the books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor & Council when called for.

Shares of delinquents to be sold and mode prescribed.

SECT. 8TH. *And be it further enacted* that whenever any proprietor shall neglect or refuse to pay any tax or assessment, duly voted & agreed upon by the Corporation, to their Treasurer, within thirty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell, at public Vendue, the share or shares of such delinquent proprietor, one or more, as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in some newspaper printed at Boston the sum due on any such shares, and the time & place of sale, at least twenty days previous to the time of sale; & such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing; and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the Books of the said Corporation, and such person shall be considered to all intents & purposes the proprietor thereof; and the overplus, if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were thus sold.

Sign-board to be erected.

SECT. 9TH. *And be it further enacted*, That the said Corporation shall at the place where the said toll shall be collected, erect and keep constantly exposed to view a sign or board, with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital characters.

Corporation may be dissolved when indemnified with interest.

SECT. 10TH. *And be it further enacted*, that the General Court may dissolve the said Corporation whenever it shall appear to their satisfaction, that the income arising



from the said toll, shall have fully compensated the said Corporation for all money they may have expended in purchasing repairing & taking care of the said road, together with an interest thereon at the rate of twelve per centem by the year; and thereupon the property of said road shall be vested in this Commonwealth, and be at their disposal. *Provided* that if the said Corporation shall neglect to complete the said turnpike road for the space of five years from the passing this act, the same shall become void & of no effect.

SECT. 11TH. *And be it further enacted*, that every proprietor in said turnpike road, or his agent duly authorized in writing shall have a right to vote in all meetings of the said Corporation, & shall be entitled to as many votes as the proprietor has shares in the same, provided the number of shares do not exceed ten, but no proprietor shall be entitled to more than ten votes for any greater number of shares he may possess. Right of voting.

SECT. 12TH. *And be it further enacted*, that the said Corporation is hereby allowed to grant monies to such persons as have rendered services to the proprietors in exploring the said road or otherwise previous to the act of incorporation. Monies may be granted.

SECT. 13TH. *And be it further enacted*, that the said Corporation be and they are hereby authorized to purchase & hold other real estate, to the amount of ten thousand dollars. Real estate.

*Approved March 16, 1805.*

## 1804. — Chapter 141.

[January Session, ch. 95.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE  
BLANDFORD AND RUSSELL TURNPIKE CORPORATION.

SECTION 1ST. *Be it enacted by the Senate & House of Representatives, in General Court assembled, & by the authority of the same*, that Samuel Knox, Job Almy, Israel Ashley, Stephen Ashley, William Ashley, Eli P. Ashmun, James Babcock, Ebenezer Bartlett Jr. Elijah Bates, Aaron Beard, Adam Blair, Reuben Blair, Asa Blair, James Blair, Reuben Boies, Samuel Boies, Samuel Boies 2d. William Boies, David Boies, David Boies 2d. Joseph W. Brewster, Zadock Brown, Joseph Bull, Moses A. Bunnell, Perry Button, Robert Cannon, Martin Cannon, Chandler Carter, Levi Chapman, Samuel Chapman, Thomas James Douglas, Joseph B. Elmore, William Ferguson, Medad Persons incorporated.

Corporate name.	<p>Fowler, Ephraim Gibbs, Samuel C. Gibbs, Nathan Gibbs, Erastus Grant, John Hamilton, Benjamin Hastings, James Hazard, Robert Hazard, Benj. Henry, Enoch Holcomb Junr., John Ingersoll, Elijah Knox, John Knox, William Knox, Jared W. Knowlton, Jacob Loomis, Isaac Lloyd, James Lloyd, James Moore, Jacob Morse, Israel Mosely, Solomon Noble, Jonathan Osborn, Gad Palmer, Squire Palmer, Abner Pease, Ezra Sacket, Stephen Sacket, Jonathan Shepard, Solomon Stewart Jr., William Stewart, Benjamin Taggart, John Watson, Paul Whitney, Barnabas Whitney, Andrew Wilson, John Wilson, Amos Witter &amp; Oliver Weller, together with such others as may hereafter associate with them, and their successors, shall be a corporation by the name of the Blandford and Russell Turnpike Corporation, with all the powers and privileges incident to, and usually given to similar corporations, for the purpose of laying out, making and keeping in repair a Turnpike Road from the dwelling house of Stephen Sacket, in Westfield, through Russell, to the dwelling house of Solomon Noble in Blandford which road shall not be less than four rods wide, and the path to be travelled on not less than twenty feet wide, in any part thereof; (excepting where the same cannot be reasonably required to be of that width on account of Rocks) and when the said turnpike road shall be sufficiently made, and shall be so allowed &amp; approved of by a Committee to be appointed for that purpose by the Court of Common Pleas, for the County of Hampshire, the said Corporation shall be authorised to erect one Turnpike Gate, on the same, in such manner &amp; place as the said Committee shall judge necessary and convenient for collecting the toll, and shall be entitled to receive of each traveller or passenger at the said Gate, the following rates of toll, viz. for every Coach Phaeton, Chariot, or other four wheel carriage drawn by two horses, twenty five cents, and if drawn by more than Two horses, an[d] additional sum of four cents for each Horse, for every Cart or Waggon, drawn by two Oxen or Horses, ten cents, &amp; if drawn by more than two Oxen or horses, the additional sum of three cents for each ox or horse, for every curriole twelve cents and five mills, for every Chaise Chair, Sulkey or other carri[a]ge, drawn by one horse twelve cents and five mills, for every man and horse five Cents, for every Sled or Sleigh, drawn by two oxen or horses, seven cents, and if drawn by more than two oxen or</p>
Course of the road.	
Toll established.	

horses, an additional sum of two Cents for each ox or horse, for every Sled or Sleigh drawn by one horse five Cents, for all horses mules, oxen or neat Cattle led or driven besides those in Teams, and carriages, one cent each, and for all sheep or swine at the rate of three Cents per dozen. And the said Corporation, shall cause to be erected in some conspicuous place, and constantly exposed to Publick view, a sign or board with all the tollable articles & the rates of toll to each fairly and legibly written or printed thereon in large or capital letters.

Sign-board to be erected.

SECTION 2D. *And be it further enacted*, that if the said corporation, their toll gatherers, or others in their employ, shall unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand or receive more toll than is by this Act established, the said Corporation, shall forfeit and pay a sum not exceeding ten Dollars, nor less than one dollar, to be recovered before any Justice of the Peace for the County of Hampshire by any person injured, delayed or defrauded, in a special action of the Case, the writ in which case shall be served on said Corporation, by leaving a copy of the same with the Treasurer or any individual member at least seven days before the trial, and the Treasurer of the said corporation or any individual member shall be allowed to defend the same suit in behalf of the said Corporation. And the said Corporation shall be liable to pay all damages, which shall happen to any person from whom the toll is demandable, from defect of Bridges, or want of repairs in said road, and shall also be liable to presentment of the Grand Jury, for not Keeping the same in repair. And if the said road or any part thereof, shall be suffered to be out of repair, the Justices of the Court of Common Pleas for the said County of Hampshire, or a Committe to be by them appointed for that purpose, are hereby authorised, to order the said Gate to be set open, the said Justices or their Committee having previously notified the Clerk of the said Corporation, of complaint having been made of the badness of the road, at least ten days previous, to the ordering them to be set open and immediately upon the leaving such order in writing under the hand of the said Justices, or their Committee, with the Clerk of the Corporation, the said Gate shall be opened, and no toll shall be legally demandable, or taken thereat, untill the said Justices or their Committee shall grant a counter order.

Penalty for delaying travellers or exacting illegal toll.

Corporation to be liable for damages arising from defects in road or bridges.

Penalty for injuring gates or road and for attempting to evade toll.

SECTION 3D. *And be it further enacted*, that if any person shall cut, break down, or otherwise destroy or injure the said turnpike Gate, or shall dig up or carry away any earth from the said road, or in any manner damage the same, or shall forcibly pass, or attempt by force to pass the said gate, without having first paid the legall toll, such person shall forfeit and pay a fine not exceeding thirteen dollars, nor less than one dollar, to be recovered by the Treasurer of said Corporation to their use, in an [an] action of trespass. And if any person with his team, cart, or horse, turn out of said road to pass the said turnpike gate, and again enter on the said road with an intent to evade the toll due, by virtue of this act, such person shall forfeit and pay three times as much as the legall toll would have been, to be recovered by the Treasurer of the Corporation to the use of the same, in an action of trespass on the case. And if any person shall draw any log, tree, or stick of timber, on or over said Turnpike road, except in the months of January or February, unless said log tree, or stick of timber, is loaded on a Cart, or sled, or one end thereof is raised on a sled, cart or other suitable carriage, such person shall forfeit and pay to the said Corporation three Dollars, for every log, tree, or stick of timber so drawn over the said road to be recovered by action of debt, *provided also* that not more than half the Toll before mentioned, shall be paid for any Cart or Waggon the Fellies of the wheels of which shall not be less than six inches broad, and that the General Court may hereafter regulate the Toll on Carts and Waggons, according to the width of the Fellies of the wheels on which they shall run and the Burthen they shall carry. *Provided* that nothing in this act shall extend to entitle the said Corporation to demand and receive toll from any person or persons, who shall be passing with his horse or carriage to or from Public worship, or with his horse, team or Cattle to or from his common labour on his farm, or to or from any grist Mill or on the common & ordinary business of family concerns with[in] the same town, or from any person or persons passing on military duty.

Penalty for drawing timber improperly.

Exemptions from toll.

Shares to be considered personal estate and to be transferable.

SECTION 4TH. *And be it further enacted*, that the shares in the said Turnpike shall be taken, deemed and considered to be personal estate to all intents and purposes, and shall and may be transferable, and the mode of transferring said shares, shall be by deed, acknowledged before any

Justice of the Peace, and recorded by the Clerk of the Corporation in a book to be kept for that purpose.

SECTION 5TH. *And be it further enacted*, that when any proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by said corporation to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorised to sell at public vendue, the share or shares of such delinquent proprietor, one or more as shall be sufficient to defray said taxes, and the necessary incidental charges, after duly notifying in the newspaper printed at Springfield in said County of Hampshire, or in case no paper should be there printed, then in some other paper printed in the same county, the sum due on such shares, and the time & place of sale, at least twenty days previous to the time of sale, & such sale shall be a sufficient transfer of the share or shares so sold, to the person or persons purchasing the same, and on producing a certificate of such sale from the Treasurer to the Clerk of said corporation, the name of such purchaser with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation, and such person shall be considered to all intents the proprietor thereof, and the overplus if any there be, paid, on demand, by the Treasurer, to the person whose share was thus sold.

Shares of delinquents to be sold and mode prescribed.

SECTION 6TH. *And be it further enacted* that the said corporation may purchase & hold land, over which they may make the said road, and the Justices of the Court of General Sessions of the Peace for the County of Hampshire are hereby authorised on application of the said Corporation to lay out said road or any part thereof, as with the consent of the said corporation they shall think proper, by a Committee from said Court, & the said corporation shall be liable to pay all damages, that shall arise to any person, by taking his land for such road, when the same cannot be obtained by voluntary agreement to be estimated by said Committee saving to either party the right of trial by Jury according to the Law, which makes provision for the recovery of damages, arising from the laying out of highways.

Corporation may purchase and hold land and to be liable for damages where same is taken without agreement.

SECTION 7TH. *And be it further enacted* that a meeting of said corporation shall be held at the house of Stephen Sacket Inholder in Westfield on the second Monday of May next, for the purpose of choosing a clerk, who shall

First meeting.

be sworn to the faithful discharge of the duties of said Office, and such other officers, as may then and there be agreed upon by said corporation, and at the same or subsequent meetings, may make & establish such byelaws, rules & regulations, as they shall judge necessary & convenient provided that the same shall not be repugnant to the Constitution & Laws of this Commonwealth. — And the said corporation may then and there agree upon a method of calling meetings in future as they shall judge proper.

Account of  
cost of road  
and annual  
statements to  
be exhibited.

SECTION 8TH. *And be it further enacted* that the said Corporation shall within six months after the said road is compleated lodge in the Secretarys office an account of the expences thereof & shall also annually exhibit to the Governor & Council a true account of the income or dividend arising from the said toll, with their necessary annual disbursements on said road.

Corporation  
may be dis-  
solved when  
indemnified  
with interest.

SECTION 9TH. *And be it further enacted*, that the Legislature may dissolve the said corporation whenever it shall appear to their satisfaction, that the income arising from the Toll shall have fully compensated the said Corporation, for all their expenditures, in exploring, purchasing, and taking care of, and repairing said road, together with an Interest thereon at the rate of twelve per Centum by the year, and thereupon the property of said road shall be vested in this Commonwealth, and be at the disposal of the Legislature thereof.

*Approved March 16, 1805.*

## 1804. — Chapter 142.

[January Session, ch. 96.]

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF LAYING OUT & MAKING A TURNPIKE ROAD FROM EFFINGHAM, IN THE STATE OF NEW HAMPSHIRE, TO SAGO IN THE COUNTY OF YORK.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that James Bradbury, Thomas Cutts, Samuel Dalton, Nicholas Emery, Joseph Huckens, Isaac Lord, James Marston 3d, together with such other persons as may hereafter associate with them, and their successors, shall be a Corporation by the name of The Ossapee Turnpike Company, and by that name, may sue and be sued, and exercise all the privileges and powers, which are

Persons incor-  
porated.

Corporate  
name.

by law incident to similar Corporations, for the purpose of laying out, and making a Turnpike road from the Easterly side line of the town of Effingham, between South River so called, and the Northerly boundary of the town of Parsonsfield, and running easterly over the most practicable ground through said Parsonsfield, near the Congregational and Baptist meeting houses, and through Limerick, near the dwelling house of John Morrill Esquire, and onward through Phillipsburgh and Buxton, to Saco, crossing Saco River, at or near the Bar Mills, so called, and erecting and keeping in repair all necessary bridges in the route aforesaid. *Provided* that if the said Corporation neglect to complete the said Turnpike road for the space of seven years after the passing of this act, the same shall be void.

Course of the road.

SECT. 2D. *Be it further enacted*, that the said Joseph Parsons, Nicholas Emery, and Joseph Huckens, or either of them, may by an advertisement in the Portland Gazette, or Eastern Argus, call a meeting of the said Proprietors, to be holden at any suitable time and place, after thirty days from the first publication of the advertisement: and the said Proprietors by a vote of the majority of those present shall choose a Clerk who shall be sworn to the faithful performance of his duty: and shall also agree on a method of calling future meetings: and at the same or any subsequent meeting, may make and establish, any rules and regulations that may be necessary or convenient for regulating the affairs of the said Corporation, and for completing and executing the purposes aforesaid, or for collecting the toll hereafter granted. And the same rules and regulations, may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding Thirteen dollars, and thirty three cents, for any breach thereof: *Provided* such rules and regulations, are not repugnant to the Constitution and Laws of this Commonwealth. And the said Proprietors may also appoint any other Officer or Officers, which they may think necessary: and all representations at any meeting shall be made in writing, signed by the person or persons making the same, which shall be filed with, and recorded by the Clerk. And this act, and all votes, rules, and regulations of the said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept. And said proprietors, or a majority present, at said first meeting may adjourn the same, and

First meeting.

any future meetings may be adjourned by the majority present, as to them shall appear proper. And every proprietor in the said Turnpike road, or his agent, duly authorised in writing, shall have a right to vote in all meetings of the said Proprietors, according to his number of shares in the same, *Provided* that no proprietor shall be entitled to more than ten votes.

Corporation  
may purchase  
and hold land  
and to be liable  
for damages  
where same is  
taken without  
agreement.

SECTION 3. *And be it further enacted*, that the said Corporation may purchase and hold any land over which they may make the said road; and the Justices of the Court of general sessions of the said Peace, in the County of York, are hereby authorized on application from the said Corporation to lay out such road or any part thereof, as with the consent of the said Corporation they may think proper by a Committee from said Court; and the said Corporation shall be holden to pay all damages, which shall arise to any person, by taking his land for such road, where it cannot be [be] obtained by voluntary agreement, to be estimated by said Committee, saving to either party, the right of trial by Jury, according to the Law, which makes provision, for the recovery of damages, arising from the laying out of highways. And the said Corporation is hereby empowered to purchase and hold other real estate, adjacent, or near to, for the greater accommodation of the travel on the said road, to the amount of Three Thousand dollars.

Penalty for in-  
juring gates  
or road and for  
attempting to  
evade toll.

SECTION 4. *And be it further enacted*, that if any person shall cut, break down or otherwise injure or destroy, either of the Turnpike gates, or sign boards, or shall dig up, or carry away any earth from the said road, or in any other manner damage the same, or shall forcibly pass, or attempt to pass the said gate by force, with intent to avoid the payment of the legal toll at such gate, such person shall forfeit and pay a fine not exceeding ten dollars, nor less than five dollars, to be recovered by the Treasurer of the said Corporation, to their use, in an action of Trespass. And if any person with his horse, team, or cattle, turn out of the said road, to pass the said Turnpike gate, and again enter on the said road, with intent to evade the toll due by virtue of this act, such person shall forfeit and pay two dollars, to be recovered by the treasurer of the said Corporation, to the use of the same, in an action of debt. *Provided, however*, that nothing in this act shall extend to entitle the said Corporation to demand or receive toll

Exemptions  
from toll.



of any person, who shall be passing [i][o]n foot, or with his horse or carriage, to or from Public worship, or with his horse, team or cattle, to or from his common labour, on his farm, or to or from any grist mill, or on the common business of family concerns, or from any person or persons passing on military duty. *Provided, also,* that not more than one half of the toll before mentioned shall be paid for any cart or waggon, the Fellies of the wheels of which shall be not less than six inches broad, and that the General Court may hereafter regulate the toll on Carts & Waggons according to the width of the Fellies of the Wheels, on which they shall run, and the burthen they shall carry.

SECTION 5. *And be it further enacted,* that if the said Corporation, their toll gatherer or others in their employ, shall unreasonably delay or hinder any traveller or passenger, or shall demand or receive more toll than is by this Act established, the said Corporation shall forfeit and pay a sum not exceeding ten dollars, nor less than two dollars, to be recovered before any Justice of the Peace, of the County where the offence shall be committed, by any person injured, delayed, or defrauded, in a special action of the case; the writ in which case shall be served on the said Corporation, by leaving a Copy of the same, with the Treasurer or with some individual member, living in the County of York, or by reading the same to the said Treasurer or individual member, at least seven days, before the day of trial. And the said Treasurer or individual member, shall be allowed to defend the same suit in behalf of the said corporation. And the said corporation shall be liable to pay all damages, which may happen to any person from whom toll is demandable, for any damage which shall arise from defect of bridges, or want of repairs in the said way; and shall also be liable to presentment by the grand Jury, for not keeping the same in good repair.

SECTION 6. *And be it further enacted,* that the said Turnpike Road shall not be less than four rods wide, and the path to be travelled on not less than twenty four feet wide, in any part thereof; and when ten miles of the road shall be sufficiently made & finished, and shall be so allowed and approved by a Committee, appointed by the Court of general sessions of the Peace, for the County of York, (provided that no member of said Committee, shall hold any share or interest in the said Turnpike,) then the said

Penalty for  
delaying travel-  
lers or exact-  
ing illegal toll.

Width of road,  
&c.

Corporation shall be authorized to erect one turnpike gate, on the said road, in such place as the Committee of the said Court of Sessions shall appoint: and every gate which may be afterwards erected, shall be subject to the same conditions of the approbation of a Committee appointed as aforesaid, by the court of General Sessions of the Peace for the said County of York. *Provided* that no more gates shall be erected on said road than one to every ten miles of road so made and approved as aforesaid. And no gates shall be erected on any part of the Old Travelled road. And it shall be lawful for the said corporation to demand and receive, of each Traveller or passenger, at each of the said gates, the following rates of Toll, viz. For each and every Coach, chariot, phaeton, curricie, or other four wheel carriage for pleasure drawn by two Horses, twenty five Cents, and if drawn by more than two horses, two cents for each additional horse; for each cart or waggon for burthen, drawn by two oxen or horses ten cents, and if drawn by more than two, an additional sum of two cents, for each additional beast; for every chaise, chair, or other two wheel carriage for pleasure, drawn by one horse twelve & a half cents; for every horse & rider six cents and a quarter; for every sled or sleigh for burthen, drawn by one beast six and a half cents, and if drawn by more than one, two cents for each additional beast; for each sleigh for pleasure drawn by one horse ten cents and if drawn by more than one, two cents for each additional horse; for all horses, mules, oxen or neat cattle led or driven, not in teams or carriages one cent each, and for all sheep & swine, at the rate of three Cents per dozen and in that proportion for a greater or less number — *Provided, however*, that the said Corporation may when they see cause, commute the rate of toll with any person, or with any corporation, by taking of him or them, a certain sum annually as may be mutually agreed on, in lieu of the toll aforesaid. And at all times when the toll getherer shall not attend his duty, the gates shall be left open, and every person may pass free of toll. And the said corporation shall at each place where the toll shall be collected, erect in some conspicuous place, and constantly keep exposed to open view, a sign or board, with the rates of toll of all the tollable articles fairly and legibly written or printed in large or capital letters.

Toll estab-  
lished.

Sign-board to  
be erected.

Shares to be  
considered  
personal estate  
and to be  
transferable.

SECTION 7. *Be it further enacted*, that shares in said Turnpike shall be deemed personal estate to all intents &

purposes, and shall be transferable by Deed, duly acknowledged, shall be recorded by the Clerk of the said Corporation, in a book to be kept for that purpose.

SECTION 8. *Be it further enacted*, that whenever, any proprietors shall neglect or refuse, to pay any Tax or assessment duly voted and agreed upon by the said Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of the said Corporation, is hereby authorized to sell at public vendue, the Share or Shares of such delinquent proprietor, one or more, as shall be sufficient to defray the said Taxes, and necessary incidental Charges, after having given public notice of such sale in the newspapers printed in the Counties of York and Cumberland (and if there shall be no newspaper printed in either of the said counties at the time, then in the newspaper printed at such other place as shall be nearest to the said Turnpike road) the sum due on any such share or shares, and the time & place of sale, at least thirty days previous thereto; and such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing the same; and on producing a certificate of such sale from the Treasurer to the Clerk, of the said corporation the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation; and such person shall be considered to all intents and purposes the proprietor thereof; and the overplus if any there be, shall be paid on demand, by the Treasurer, to the person whose shares were then sold.

Shares of delinquents to be sold and mode prescribed.

SECTION 9. *Be it further enacted*, that the said Corporation shall within six months after the said road is completed, deposit in the Office of the Secretary of this Commonwealth, an account of the expences thereof and shall annually afterwards exhibit to the Governor and Council, an account of the income or dividends arising from the toll, with their necessary annual disbursements on the said road. And the books of the said Corporation shall at all times be subject to the inspection of the general Court, or of the Governor and Council when called for.

Account of cost of road and annual statements to be exhibited.

SECTION 10. *Be it further enacted* that the Legislature may dissolve the said Corporation, whenever it shall appear to their satisfaction that the income arising from the said toll shall have fully compensated the said Corporation for all money they may have expended, in purchasing, repairing, and taking care of the said road, together with an

Corporation may be dissolved when indemnified with interest.

interest thereon, at the rate of twelve per cent by the year ; and thereupon the property of the said road shall be vested in the Commonwealth, & be at the disposal of the Legislature. *Provided, however,* that if the said Corporation shall neglect for seven years, from the date of this act, to complete the said Turnpike road, then this grant shall be null and void.

*Approved March 16, 1805.*

### 1804. — Chapter 143.

[January Session, ch. 97.]

AN ACT PROVIDING FOR THE PUNISHMENT OF THE CRIMES OF ROBBERY AND OTHER LARCENIES; AND FOR THE PREVENTION THEREOF.

Punishment for  
the crime of  
larceny.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the Authority of the same,* That any person who shall feloniously steal, take and carry away, of the property of Another, any money, goods or chattels, or any bond, promissory note, bill of Exchange, or other bill, order or Certificate, or any book of accounts for or respecting any money or goods, due or becoming due and payable, or to be delivered, or any deed or writing containing a conveyance of lands, or other real Estate, or any other valuable Contract remaining in force, or any receipt, release, or defeasance; or any writ process or public record; shall be deemed Guilty of the crime of Larceny; and every such offender and any person present, aiding and abetting in any such Larceny or accessory thereto before the fact, by counselling, hiring or otherwise procuring the same to be done, who before any court having Jurisdiction thereof shall be duly convicted of either of the felonies and Offences aforesaid shall be punished; when the money goods or other Article or Articles stolen shall not exceed in Amount or value the sum of One hundred dollars, by solitary Imprisonment for a term not exceeding six months, and by confinement afterwards to hard Labour for a term not exceeding one year, or by a fine not exceeding one hundred Dollars and imprisonment in the common Gaol for a term not exceeding one year; And when the money goods, or other Article or Articles stolen, shall exceed in Amount or value the sum of One hundred dollars, then by solitary Imprisonment for a term not exceeding one year and by confinement afterwards to hard labour for a

term not exceeding three years to be ordered by the Court before whom the conviction may be, according to the degree and aggravation of the Offence.

SECT. 2ND. *Be it further enacted*, that the Supreme Judicial Court shall have exclusively, the Jurisdiction of all Larcenies, where the money goods or other article or articles stolen, shall be alledged to exceed in amount or value the sum of one hundred dollars; The said Supreme Judicial Court, the Courts of common pleas within their respective Counties and the Municipal Court of the town of Boston within the said Town of Boston, shall have concurrent Jurisdiction of all larcenies, where the money, goods or other Article or Articles stolen shall not be alledged to exceed, in amount or value the sum of one hundred dollars and every Justice of the Peace, within his proper County, shall have concurrent Jurisdiction with the said Courts of all larcenies, where the money goods, or other Article or Articles stolen, shall not be alledged to exceed in amount or value the sum of five dollars. Any person duly convicted before a Court of Common pleas, or the said Municipal Court, of any larceny either as principal or as accessory before or after the fact shall be punished by such fine, not exceeding one hundred dollars, and imprisonment in the common Gaol for such term not exceeding one year, either or both as the Justices of said Court before whom the Conviction may be, shall sentence and order according to the aggravation of the Offence; And any person duly convicted, before a Justice of the Peace of any larceny either as principal or as accessory before or after the fact, shall be punished by such fine, not exceeding five dollars and imprisonment in the common Gaol for such term, not exceeding twenty days, either or both, as the said Justice before whom the conviction may be shall sentence and order, according to the aggravation of the Offence.

Supreme Court to have exclusive jurisdiction where stolen property exceeds 100 dollars in value.

In case of conviction before a Municipal Court or Justice.

SEC. 3RD. *Be it further enacted* that if any person having been before convicted of the crime of larceny or as accessory thereto before the fact shall afterwards commit or shall be alike accessory to another larceny, and shall be duly convicted thereof before the Supreme Judicial Court or if any person before the Supreme Judicial Court at one and the same term thereof shall be duly convicted as principal or as accessory before the fact in three distinct larcenies, every such offender shall be punished

Punishment for conviction of two or more larcenies.

as a common and notorious Thief by solitary imprisonment for a term not exceeding one year and by confinement afterwards to hard labour for a term not less than three years and not exceeding fifteen years, to be ordered as aforesaid.

Punishment for committing a larceny in the night-time in any shop, &c.

SEC. 4TH. *Be it further enacted*, That if any person in the night time shall break and enter any shop warehouse or Office not adjoining to or occupied with a dwelling house or any ship or vessel lying within the body of a County & shall there commit a larceny, every such offender, and every person present aiding and abetting in the commission of such felony or accessory thereto before the fact by counselling hiring or procuring the same to be committed and being thereof duly convicted before the Supreme Judicial Court shall be punished by solitary Imprisonment for such term not exceeding one year and confinement afterwards to hard Labour, for such term not exceeding fifteen years, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Punishment for entering a dwelling-house in the night-time without breaking, &c. &c.

SEC. 5TH. *Be it further enacted*, That if any person in the night time shall enter, without breaking, or in the day time shall break and enter any dwelling house or outhouses thereto adjoining, and occupied therewith or any office, shop, ware-house ship or vessel, as aforesaid, the owner or other person being therein and put in fear, every such offender, and any person present, aiding and abetting in the commission of such felony, or accessory thereto before the fact by counselling hiring or otherwise procuring the same to be done upon due conviction thereof in the Supreme Judicial Court shall be punished by solitary Imprisonment for a term not exceeding one year and by confinement afterwards to hard labour for a term not exceeding ten years, to be ordered as aforesaid.

Punishment for committing a larceny in the day-time in any house, &c. &c.

SEC. 6TH. *Be it further enacted* that if any person shall in the day time commit any larceny in any dwelling house, Office shop, warehouse, ship or vessel as aforesaid or in the night time shall break and enter any Church meeting house Court-house Town house, College or Academy or other building erected for public uses, or any Mill, Malt house, Store barn or stable and shall commit any larceny therein, or shall be aiding and abetting in the commission of such felony, or shall be accessory thereto before the fact by counselling hiring or otherwise procuring the same to be done every such offender upon conviction of either of

the felonies aforesaid in the Supreme Judicial Court, shall be punished by solitary Imprisonment for a term not exceeding six months, and by confinement afterwards to hard labour for a term not exceeding five years, to be ordered as aforesaid.

SEC. 7TH. *Be it further enacted*, That any person who shall, by force and violence, or by other assault and putting in fear, feloniously steal, rob and take from the person of another, any money or goods, bank note, bill of exchange, or other negotiable bill, note or order, due or in force, or any other property which may be the subject of larceny shall be adjudged guilty of the crime of Robbery and every such offender and any person present aiding and abetting in the commission of such felony or accessory thereto before the fact by counselling hiring or procuring the same to be done, who, in the Supreme Judicial Court shall be duly convicted of either of the felonies and offences aforesaid, shall be punished by solitary imprisonment for such term, not exceeding two Years, and by confinement afterwards to hard labour for life.

Punishment for assault and robbery.

SEC. 8TH. *Be it further enacted*, That if any person shall commit any other larceny from the person of another either openly and violently or privily and fraudently every such offender and any person present aiding and abetting in the commission of such felony or accessory thereto before the fact by counselling, hiring, or otherwise procuring the same to be done who shall be duly convicted in the Supreme Judicial Court shall be punished by Solitary imprisonment for a term not exceeding one Year and by confinement afterwards to hard labour for a term not exceeding five years, to be ordered by the Justices of the said Court before whom the Conviction may be, according to the aggravation of the Offence.

Punishment for other larcenies than those enumerated.

SEC. 9TH. *Be it further enacted*, That if any person with a dangerous weapon, or other actual violence, and with intent to rob or steal, in manner as aforesaid, shall assault another, every such offender, and any person present, aiding and assisting therein, or who shall have counselled or procured the same to be done, shall be deemed a felonious Assaulter, and upon due conviction thereof in the Supreme Judicial Court, shall be punished, by solitary Imprisonment for a term not exceeding one year, and by confinement afterwards to hard labour, for a term not exceeding ten years, to be ordered as aforesaid.

Punishment for assault with intent to steal.

Punishment for  
concealing a  
felon or receiv-  
ing stolen  
goods, &c.

SEC. 10TH. *Be it further enacted*, That if any person shall knowingly harbour conceal or maintain any principal felon, or accessory before the fact, in any robbery or larceny, committed in any manner as aforesaid, or shall receive, or shall aid in concealing any money, goods, or other Article stolen as aforesaid, knowing the same to have been so stolen in any such manner as aforesaid, every such offender upon due conviction of either of the offences as aforesaid shall be deemed an accessory after the fact, to the same robbery or larceny, and shall be punished by solitary Imprisonment for such term not exceeding six months and by confinement afterwards to hard labour, for such term not exceeding three years, or by a fine not exceeding five hundred dollars and by imprisonment in the common Gaol for such term not exceeding three years, or either of them, as the Justices of the Court, before whom the conviction may be, shall and may sentence and order, according to the nature and aggravation of the offence.

Method of  
prosecution for  
receiving stolen  
goods, &c.

SEC. 11TH. *Be it further enacted*, That any person, charged with the receipt or concealment of money, goods, or other articles, stolen in any manner as aforesaid, knowing the same to have been stolen, may be prosecuted therefor as for a misdemeanor, although the principal felon chargable or charged with the larceny, shall not have been prosecuted or convicted; and upon due conviction thereof before any Court having Jurisdiction of the principal offence, shall be punished in the same degree and manner as an accessory after the fact might be, being alike convicted: but after prosecution for such misdemeanor the person charged shall not be liable to be prosecuted, as an accessory after the fact, in the same larceny.

Punishment for  
more than one  
conviction for  
receiving stolen  
goods, &c.

SEC. 12TH. *Be it further enacted*, That if any person having been before convicted, as a receiver of Money, goods, or other articles stolen, in any manner as aforesaid shall afterwards knowingly receive or aid in the concealment of any other money, goods or other Articles stolen, and shall be duly convicted thereof before the Supreme Judicial Court, or if any person shall be alike duly convicted before the Supreme Judicial Court in the same term thereof as a receiver of any money, goods or other Articles aforesaid, stolen in any manner as aforesaid, in three distinct acts of receiving or concealing as aforesaid every such offender shall be deemed a common receiver of stolen goods, and shall be punished by solitary Imprisonment for



such term not exceeding one year and by confinement afterwards to hard labour for such term not less than three years and not exceeding ten years, as the Justices of the said Court before whom the conviction may be shall sentence and order, according to the nature and aggravation of the Offence.

SEC. 13TH. *Be it further enacted*, That when any person convicted for the first offence, as a receiver of stolen goods, or as accessary after the fact in any simple larceny and not adjudged to be a common receiver of stolen goods, shall make satisfaction to the party injured by such larceny, to the full amount of the money, goods or Articles stolen and not restored, the Justices of the Court, before whom the conviction may be, shall exempt such receiver and accessary from the penalty of confinement to hard labour.

In case of a person convicted of receiving stolen goods for the first time.

SEC. 14TH. *Be it further enacted*, That in every case of a conviction of larceny as aforesaid, the Justices of the Court before whom the conviction may be, shall have Authority at the prayer of the prosecutor therein, and at their discretion, to order for him or her a meet recompense, not exceeding his or her actual expences, with a reasonable allowance for time and trouble, in such prosecution to be paid by the County Treasury, and all payments which shall be made by any County Treasurer pursuant to any order which may be granted as aforesaid, shall be the proper charge of this Commonwealth, and shall be allowed in the manner which is or shall be provided for the reimbursement to the several Counties of other Costs arising in Criminal prosecutions.

Prosecutors to be recompensed.

SEC. 15TH. *Be it further enacted*, That it shall be the duty of any Sheriff or other Officer who shall be charged with or lawfully employed in apprehending and arresting any person accused of the crime of larceny or robbery or as accessary therein in any manner as aforesaid to seize and secure the money, goods or other Articles aforesaid, alleged to be stolen, or to have been obtained by such larceny or robbery, and which shall be found in the possession of such accused person or which shall be waived by him or her in flying from Justice. And of the money, goods or other articles aforesaid, which shall be so found and secured a true inventory or schedule shall be made in or annexed to the return of such sheriff or other officer upon the warrant or process, which shall have been issued for the arrest of any person accused as aforesaid, and such

The officer employed in arresting a person guilty of larceny, to secure the property alleged to have been stolen.

Sheriff or other Officer shall be accountable for the money goods or other Articles thereby seized and secured. And whenever the conviction of any person accused as aforesaid, shall be had upon the prosecution and by the care and diligence of the owner of any money goods or Articles, found and seized as aforesaid such owner shall and may have restitution thereof immediately after such conviction, by an order in open Court or by a writ of restitution as the case may require.

When a convict is sentenced to hard labour, owner of stolen goods to be indemnified from his earnings.

SEC. 16TH. *Be it further enacted*, That whenever, upon any conviction as aforesaid, such convict shall be sentenced to confinement to hard labour, such owner prosecuting as aforesaid shall be allowed against each and every convict, the full amount or value of the money goods or other Articles stolen or obtained by such larceny & not restored or satisfied for, to be charged against such convict at his or her place of confinement under such sentence and to be paid from his or her net earnings as the same shall accrue and so far as they may extend and when such convict shall be sentenced to fine or imprisonment in the common Gaol, he or she shall be required by the sentence to pay to such owner prosecuting as aforesaid the full Amount or Value of the money, goods or other Article or Articles, stolen and not restored or satisfied for; and if any such Convict shall be unable to make restitution or pay the amount or value as aforesaid the Justices of the Court before whom the conviction may be, may further sentence and order him or her to make satisfaction to such owner by service, who shall thereupon be empowered to take such convict in service or to dispose of him or her to any person for such term of time not exceeding three years as shall be ordered by the said Justices. *Provided however* that no such Convict shall be held in Gaol, for such satisfaction of the amount or value as aforesaid for a longer term than thirty days, unless such owner shall give security to the keeper of the Gaol to satisfy the charge of keeping such prisoner from and after that time according to the rate allowed for keeping prisoners in the same Gaol; and if such owner shall refuse or neglect so to do, and shall not take or dispose of such prisoner, the keeper shall no longer keep such prisoner for that purpose, but may set him or her at liberty after the expiration of the term of imprisonment if any ordered by the sentence, and after the payment of the costs of Court and

In case a convict is unable to make restitution.

his own charges of Imprisonment; and if he or she be unable to pay the same, upon application by the keeper of the Gaol to any two Justices of the Quorum within the same County they are hereby empowered to determine the sum to be paid, and to order such prisoner to make satisfaction by service, for such reasonable time not exceeding two years, as they may assign for which time the keeper may thereupon dispose of such prisoner in service to any Citizen of the United States. And if he or she cannot be so disposed of after being confined three months for costs or fine and costs only the Justices of the Court of Common Pleas within and for the same County may at their discretion order such prisoner to be discharged upon such security as they may judge proper.

In case of a prisoner being unable to pay the costs of court and imprisonment charges.

SEC. 17TH. *And be it further enacted*, that when any person, charged with the crime of larceny or as an accessory therein, or as a receiver of money, goods or other articles stolen as aforesaid, shall and may be letten to bail, the recognizance for the appearance of such person shall be taken, with sufficient surety or sureties, in such sum as may be reasonably required for that purpose; with a further additional sum, which shall be double the amount or value of the money, goods or Articles, charged to have been stolen or obtained by such larceny; and when such recognizance shall be forfeited by default, the Justices of the Court before whom Judgement may be rendered thereon, shall order the Amount or value of the money, goods or other Articles stolen or obtained as aforesaid, to be paid out of the sum which shall be collected on such recognizance, to the owner of such money, goods or other Articles; provided he shall have been the prosecutor.

In case bail is taken for any person charged with the crime of larceny.

SECT. 18. *Be it further enacted*, that this act shall be in force from and after the first day of September next and not before.

Time of taking effect.

*Approved March 16, 1805.*

**1804. — Chapter 144.**

[January Session.\*]

AN ACT TO APPORTION AND ASSESS A TAX OF ONE HUNDRED AND THIRTY THREE THOUSAND, THREE HUNDRED AND TWO DOLLARS, AND FIFTY TWO CENTS, AND PROVIDING FOR THE REIMBURSEMENT OF THIRTY THOUSAND, EIGHT HUNDRED & FIFTY SIX DOLLARS, PAID OUT OF THE PUBLIC TREASURY TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES FOR THEIR ATTENDANCE THE THREE LAST SESSIONS OF THE GENERAL COURT.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that each Town, District, Plantation, and other place herein after named, within this Commonwealth, shall be assessed, and pay the several Sums, with which they stand respectively charged in the following Schedule, vizt.

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\* Not printed in session pamphlet.

COUNTY OF SUFFOLK.

TOWNS.	Representatives' Pay.	Proportion of \$133,302 52	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
BOSTON . . . . .	1,022 0	16,696 0	17,718 0
Chelsea . . . . .		210 66	210 66
	1,022 0	16,906 66	17,928 66
Seventeen thousand, seven hundred & eighteen dollars			
Two hundred and ten dollars and sixty six cents . . . . .			
Seventeen thousand, nine hundred & twenty eight dollars & sixty six cts.			

COUNTY OF ESSEX.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Salem . . . . .	438 0	5520 0	5958 0
Ipswich . . . . .	234 0	800 0	1034 0
Newbury . . . . .	160 0	1102 66	1262 66
Newburyport . . . . .	440 0	3084 0	3524 0
Lynn . . . . .	140 34	554 66	695 0
Lynnfield . . . . .	27 66	109 33	136 99
Gloucester . . . . .	132 0	1044 0	1176 0
Roxley . . . . .	146 0	426 66	572 66
Salisbury . . . . .	118 0	425 33	543 33
Wenham . . . . .	10 0	144 0	154 0
Manchester . . . . .		209 33	209 33
Andover . . . . .	160 0	790 66	950 66
Haverhill . . . . .	184 0	570 66	754 66
Marblehead . . . . .	548 0	1452 0	2000 0
Topsfield . . . . .		220 0	220 0
Amesbury . . . . .	120 0	356 0	476 0
Five thousand nine hundred & fifty eight dollars . . . . .			
One thousand and thirty four dollars . . . . .			
One thousand two hundred & sixty two dollars & sixty six cents			
Three thousand five hundred & twenty four dollars . . . . .			
Six hundred & ninety five dollars . . . . .			
One hundred & thirty six dollars & ninety nine cents . . . . .			
One thousand one hundred & seventy six dollars . . . . .			
Five hundred and seventy two dollars & sixty six cents			
Five hundred and forty three dollars & thirty three cents			
One hundred and fifty four dollars . . . . .			
Two hundred and nine dollars & thirty three cents . . . . .			
Nine hundred and fifty dollars & sixty six cents . . . . .			
Seven hundred and fifty four dollars & sixty six cents			
Two thousand dollars . . . . .			
Two hundred and twenty dollars . . . . .			
Four hundred and seventy six dollars . . . . .			

## COUNTY OF ESSEX — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$135,302 52		Total.
	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
<i>Beverly</i>	188 0	1217 33	One thousand four hundred & five dollars & thirty three cents	1405 33
<i>Bradford</i>	120 0	344 0	Four hundred & sixty four dollars	464 0
<i>Boxford</i>	121 0	231 33	Four hundred and five dollars & thirty three cents	405 33
<i>Methuen</i>	84 0	290 66	Three hundred and seventy four dollars & sixty six cents	374 66
<i>Middleton</i>		161 33	One hundred and sixty one dollars & thirty three cents	161 33
<i>Danvers</i>	186 0	818 66	One thousand and four dollars & sixty six cents	1004 66
<i>Hamilton</i>	24 0	213 33	Two hundred and thirty seven dollars & thirty three cents	237 33
	3,584 0	20,135 93	Twenty-three thousand, seven hundred & nineteen dollars, & ninety three cts.	23,719 93

## COUNTY OF MIDDLESEX.

	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
<i>Charlestown</i>	218 0	1028 0	One thousand two hundred and forty six dollars	1246 0
<i>Cambridge</i>	246 0	785 33	One thousand and thirty one dollars & thirty three cents	1031 33
<i>Medford</i>	134 0	349 33	Four hundred and eighty three dollars & thirty three cents	483 33
<i>Malden</i>	142 0	297 33	Four hundred and thirty nine dollars & thirty three cents	439 33
<i>Watertown</i>	152 0	408 0	Five hundred and sixty dollars	560 0
<i>Waltham</i>	54 0	346 66	Four hundred dollars and sixty six cents	400 66
<i>Newtown</i>	154 0	424 0	Five hundred and seventy eight dollars	578 0
<i>Weston</i>	170 0	313 33	Four hundred and eighty three dollars & thirty three cents	483 33
<i>Woburn</i>	76 0	308 0	Three hundred and eighty four dollars	384 0
<i>Stonham</i>		94 66	Ninety four dollars and sixty six cents	94 66
<i>Lezington</i>	152 0	308 0	Four hundred and sixty dollars	460 0
<i>Lincoln</i>	44 0	193 33	Two hundred and thirty seven dollars & thirty three cents	237 33

<i>Sudbury</i>	116 0	296 0	Four hundred and twelve dollars . . . . .	412 0
<i>East Sudbury</i>	48 0	222 66	Two hundred and seventy dollars & sixty six cents . . . . .	270 66
<i>Framingham</i>		378 66	Three hundred and seventy eight dollars & sixty six cents . . . . .	378 66
<i>Natick</i>		158 66	One hundred and fifty eight dollars & sixty six cents . . . . .	158 66
<i>Marlboro'</i>	172 0	462 66	Six hundred and thirty four dollars and sixty six cents . . . . .	634 66
<i>Sherburne</i>	100 0	224 0	Three hundred and twenty four dollars . . . . .	324 0
<i>Hopkinton</i>	168 0	316 0	Four hundred and eighty four dollars . . . . .	484 0
<i>Holliston</i>	78 0	281 33	Three hundred and fifty nine dollars & thirty three cents . . . . .	359 33
<i>Coucord</i>	166 0	482 66	Six hundred and forty eight dollars & sixty six cents . . . . .	648 66
<i>Acton</i>	85 71	200 0	Two hundred and eighty five dollars & seventy one cents . . . . .	285 71
<i>Carlisle</i>	66 29	154 66	Two hundred and twenty dollars and ninety five cents . . . . .	220 95
<i>Stow</i>		208 0	Two hundred and eight dollars . . . . .	208 0
<i>Bazboro'</i>		88 0	Eighty eight dollars . . . . .	88 0
<i>Bedford</i>		190 66	One hundred and ninety dollars and sixty-six cents . . . . .	190 66
<i>Burlington</i>		138 66	One hundred and thirty eight dollars & sixty six cents . . . . .	138 66
<i>Reading</i>	174 0	469 33	Six hundred and forty three dollars & thirty three cents . . . . .	643 33
<i>Wilmington</i>	50 0	136 0	Two hundred and six dollars . . . . .	206 0
<i>Billerica</i>	118 0	317 33	Four hundred and thirty five dollars & thirty three cents . . . . .	435 33
<i>Tewksbury</i>	44 0	190 66	Two hundred and thirty four dollars & sixty six cents . . . . .	234 66
<i>Cheimsford</i>	48 0	313 33	Three hundred and sixty one dollars & thirty three cents . . . . .	361 33
<i>Westford</i>	158 0	288 0	Four hundred and forty six dollars . . . . .	446 0
<i>Littleton</i>		193 33	One hundred and ninety three dollars & thirty three cents . . . . .	193 33
<i>Groton</i>	140 0	390 66	Five hundred and thirty dollars & sixty six cents . . . . .	530 66
<i>Dracut</i>	176 0	281 33	Four hundred and fifty seven dollars & thirty three cents . . . . .	457 33
<i>Dunstable</i>		118 66	One hundred and eighteen dollars & sixty-six cents . . . . .	118 66
<i>Tyngsboro'</i>		163 33	One hundred and fifty three dollars & thirty three cents . . . . .	153 33
<i>Shirley</i>		141 33	One hundred and forty one dollars & thirty three cents . . . . .	141 33
<i>Pepperell</i>	96 0	237 33	Three hundred and thirty three dollars & thirty three cents . . . . .	333 33
<i>Townsend</i>		208 0	Two hundred and eight dollars . . . . .	208 0
<i>Ashby</i>	58 0	209 33	Two hundred and sixty seven dollars & thirty three cents . . . . .	267 33
	3,604 0	12,326 53	Fifteen thousand nine hundred & thirty dollars & fifty three cents . . . . .	15,930 53

## COUNTY OF HAMPSHIRE.

TOWNS.	Representatives' Pay.	Proportion of \$133,302 52		Total.
	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
Northampton	191 81	565 33	Seven hundred and fifty seven dollars & fourteen cents	757 14
East Hampton	36 19	106 66	One hundred and forty two dollars & eighty five cents	142 85
West Hampton	48 0	166 66	Two hundred and fourteen dollars & sixty six cents	214 66
South Hampton	52 0	205 33	Two hundred and fifty seven dollars & thirty three cents	257 33
West Springfield	210 0	600 0	Eight hundred and ten dollars	810 0
Southwick		181 33	One hundred and eighty one dollars & thirty three cents	181 33
Granville	146 0	417 33	Five hundred and sixty three dollars & thirty three cents	563 33
Blanford	108 0	286 66	Three hundred and ninety four dollars & sixty six cents	394 66
Russell		56 0	Fifty six dollars	56 0
Westfield	56 0	385 33	Four hundred and forty one dollars & thirty three cents	441 33
Montgomery		82 66	Eighty-two dollars and sixty six cents	82 66
Norwich	50 0	138 66	One hundred and eighty eight dollars & sixty six cents	188 66
Chester	34 0	214 66	Two hundred and forty eight dollars & sixty six cents	248 66
Middlefield		153 33	One hundred and fifty three dollars & thirty three cents	153 33
Worthington	32 0	250 66	Two hundred and eighty two dollars & sixty six cents	282 66
Chesterfield	18 0	230 66	Two hundred and forty eight dollars & sixty six cents	248 66
Williamsbrough	38 0	193 33	Two hundred and thirty one dollars & thirty three cents	231 33
Hatfield		258 66	Two hundred and fifty eight dollars & sixty six cents	258 66
Whately		152 0	One hundred and fifty two dollars	152 0
Deerfield	62 0	378 66	Four hundred and thirty eight dollars & sixty six cents	440 66
Conway	112 0	422 66	Five hundred and thirty four dollars & sixty six cents	534 66
Goshen		132 0	One hundred and thirty two dollars	132 0
Ashfield	16 0	244 0	Two hundred and sixty four dollars	260 0
Cummington	28 6	178 66	Two hundred and six dollars & seventy two cents	206 72
Plainfield	22 94	150 66	One hundred and seventy four dollars & sixty cents	174 60
Hawley	16 0	122 66	One hundred and twenty eight dollars & sixty six cents	138 66
Buckland	32 0	137 33	One hundred and sixty nine dollars & thirty three cents	169 33
Shelburne	58 0	189 33	Two hundred and forty seven dollars & thirty-three cents	247 33
Greenfield	48 24	280 0	Three hundred and twenty eight dollars & twenty four cents	328 24



<i>Gill</i>	19 76	114 66	One hundred and thirty four dollars & forty two cents	134 42
<i>Bernardston</i>	48 61	154 66	Two hundred and three dollars & twenty seven cents	203 27
<i>Leyden</i>	49 39	157 33	Two hundred and six dollars & seventy two cents	206 72
<i>Coltine</i>	96 0	302 66	Three hundred and ninety eight dollars & sixty six cents	398 66
<i>Charlemont</i>	48 0	121 33	One hundred and sixty nine dollars & thirty three cents	169 33
<i>Rose</i>		98 66	Ninety eight dollars & sixty six cents	98 66
<i>Heath</i>		100 0	One hundred dollars	100 0
<i>Springfield</i>	142 0	437 33	Five hundred and seventy nine dollars & thirty three cents	579 33
<i>Longmeadow</i>	64 0	196 0	Two hundred and sixty dollars	260 0
<i>Wilbraham</i>	54 0	269 33	Three hundred and twenty three dollars & thirty three cents	323 33
<i>Monson</i>	74 0	265 33	Three hundred and thirty nine dollars & thirty three cents	339 33
<i>Brimfield</i>	62 0	285 33	Three hundred and forty seven dollars & eighty six cents	347 33
<i>South Brimfield</i>	56 20	114 66	One hundred and seventy dollars & eighty six cents	170 86
<i>Holland</i>	43 80	89 33	One hundred and thirty three dollars & thirteen cents	133 13
<i>Palmer</i>	56 0	170 66	Two hundred and twenty six dollars & sixty six cents	226 66
<i>Ware</i>	48 0	154 66	Two hundred and two dollars & sixty six cents	202 66
<i>Greenwich</i>	48 0	208 0	Two hundred and fifty six dollars	256 0
<i>Ludlow</i>		96 0	Ninety six dollars	96 0
<i>Belchertown</i>	70 0	296 0	Three hundred and sixty six dollars	366 0
<i>Pelham</i>	46 0	176 0	Two hundred and twenty two dollars	222 0
<i>Amherst</i>	134 0	281 33	Four hundred and fifteen dollars & thirty three cents	415 33
<i>Granby</i>	36 0	149 33	One hundred and eighty five dollars & thirty three cents	185 33
<i>Hadley</i>	108 0	273 33	Three hundred and eighty one dollars & thirty three cents	381 33
<i>South Hadley</i>	50 0	165 33	Two hundred and fifteen dollars & thirty three cents	215 33
<i>Sunderland</i>		109 33	One hundred and nine dollars & thirty three cents	109 33
<i>Montague</i>		137 78	One hundred and thirty seven dollars and seventy eight cents	137 78
<i>Leverett</i>		104 0	One hundred and four dollars	104 0
<i>Shutesbury</i>		117 33	One hundred and seventeen dollars & thirty three cents	117 33
<i>Wendell</i>		144 88	One hundred and forty four dollars & eighty eight cents	144 88
<i>New Salem</i>	140 0	333 33	Four hundred and seventy three dollars & thirty three cents	473 33
<i>Northfield</i>	102 0	246 66	Three hundred and forty eight dollars & sixty six cents	348 66
<i>Warwick</i>	108 32	256 0	Three hundred and sixty four dollars & thirty two cents	364 32
<i>Orange</i>	67 68	160 0	Two hundred and twenty seven dollars & sixty eight cents	227 68
	3,188 0	13,167 78	Sixteen thousand three hundred & fifty five dollars & seventy eight cents	16,355 78

## COUNTY OF PLYMOUTH.

TOWNS.	Representatives' Pay.	Proportion of \$133,202 52	Total.
<i>Plymouth</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Seituate</i>	170 0	725 33	895 33
<i>Duxbury</i>	184 0	653 33	837 33
<i>Marshfield</i>	162 0	332 0	494 0
<i>Bridgewater</i>	114 0	362 66	476 66
<i>Middleboro'</i>	174 0	1134 66	1308 66
<i>Rochester</i>	168 0	850 66	1018 66
<i>Plympton</i>	90 0	450 66	540 66
<i>Pembroke</i>	154 0	157 33	157 33
<i>Abington</i>	178 0	365 33	543 33
<i>Kingston</i>	76 0	278 66	354 66
<i>Halifax</i>	86 0	245 33	331 33
<i>Wareham</i>		144 0	144 0
<i>Carver</i>	174 0	142 66	142 66
<i>Hingham</i>		157 33	157 33
<i>Hull</i>		530 66	704 66
		48 0	48 0
	1,730 0	7,011 93	8,741 93
		Eight thousand, seven hundred and forty one dollars & ninety three cents	

## COUNTY OF BARNSTABLE.

	Representatives' Pay.	Proportion of \$133,202 52	Total.
<i>Barnstable</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Sandwich</i>	158 0	456 0	614 0
<i>Falmouth</i>	122 0	456 0	578 0
	134 0	332 0	466 0
		Six hundred and fourteen dollars	
		Five hundred and seventy eight dollars	
		Four hundred and sixty six dollars	

<i>Yarmouth</i>	.	.	.	42 0	282 66	Three hundred and twenty four dollars & sixty six cents	.	.	324 66
<i>Dennis.</i>	.	.	.		192 0	One hundred and ninety two dollars	.	.	192 0
<i>Harwich</i>	.	.	.	130 0	190 0	Three hundred and twenty dollars	.	.	320 0
<i>Brewster</i>	.	.	.	126 0	190 0	Three hundred and sixteen dollars	.	.	316 0
<i>Chatham</i>	.	.	.		181 33	One hundred and eighty one dollars & thirty three cents	.	.	181 33
<i>Orleans</i>	.	.	.		141 33	One hundred and forty one dollars & thirty three cents	.	.	141 33
<i>Eastham</i>	.	.	.	14 0	84 0	Ninety eight dollars	.	.	98 0
<i>Wellfleet</i>	.	.	.	44 0	129 33	One hundred and seventy three dollars & thirty three cents	.	.	173 33
<i>Truro</i>	.	.	.		134 66	One hundred and thirty four dollars & sixty six cents	.	.	134 66
<i>Provincetown</i>	.	.	.		114 66	One hundred and fourteen dollars & sixty six cents	.	.	114 66
	770 0				2,883 97	Three thousand, six hundred & fifty three dollars & ninety seven cents.			3,653 97

COUNTY OF BRISTOL.

	Dolls.	Cts.		Dolls.	Cts.		Dolls.	Cts.
<i>Taunton</i>	.	184	Nine hundred and eighteen dollars & sixty six cents	.	66	918	66	
<i>Rehoboth</i>	.	734	Eight hundred and seventy three dollars & thirty three cents	.	33	873	33	
<i>Dartmouth</i>	.	164	Six hundred and eighteen dollars & sixty six cents	.	33	618	66	
<i>Swansey</i>	.	148	Three hundred and fifty six dollars & sixty six cents	.	66	356	66	
<i>Freetown</i>	.	110	Three hundred and eighty five dollars & sixty cents	.	0	385	60	
<i>Attleboro'</i>	.	112	Five hundred and ninety five dollars & thirty three cents	.	0	595	33	
<i>Norton</i>	.	130	Four hundred and fifty nine dollars & thirty three cents	.	33	459	33	
<i>Dighton</i>	.	142	Three hundred and seventy two dollars & sixty six cents	.	0	372	66	
<i>Eiston</i>	.	78	Three hundred and eighty four dollars	.	0	384	0	
<i>Raynham</i>	.	112	Three hundred and sixty one dollars & thirty three cents	.	33	361	33	
<i>Berkley</i>	.	186	Two hundred and seventy five dollars & thirty three cents	.	33	275	33	
<i>Mansfield</i>	.	70	One hundred and seventy eight dollars & sixty six cents	.	33	178	66	
<i>New Bedford</i>	.	156	Twelve hundred and twenty nine dollars & thirty three cents	.	33	1229	33	
<i>West Port</i>	.	102	Five hundred and ninety two dollars & sixty six cents	.	0	592	66	
<i>Somerset</i>	.	58	Two hundred and forty eight dollars & sixty six cents	.	0	248	66	
<i>Troy</i>	.	38	Two hundred and twenty dollars & forty cents	.	0	220	40	
	1,740	0	Eight thousand and seventy dollars, & sixty cents	.				8,070 60

COUNTY OF *DUKES COUNTY*.

TOWNS.	Representatives' Pay.	Proportion of \$133,302 52	Total.
<i>Edgartown</i> . . . . .	Dolls. Cts. 66 0	Dolls. Cts. 192 0	Dolls. Cts. 258 0
<i>Chatham</i> . . . . .	. . . . .	249 33	. . . . . 249 33
<i>Tisbury</i> . . . . .	118 0	135 33	. . . . . 303 33
	184 0	626 66	810 66
Two hundred and fifty eight dollars . . . . .			
Two hundred and forty nine dollars & thirty three cents . . . . .			
Three hundred and three dollars & thirty three cents . . . . .			
Eight hundred & ten dollars & sixty six cents . . . . .			

COUNTY OF *NANTUCKET*.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Nantucket</i> . . . . .	188 0	1260 0	1448 0
One thousand four hundred and forty eight dollars . . . . .			

COUNTY OF *WORCESTER*.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Worcester</i> . . . . .	318 0	853 33	1171 33
<i>Leicester</i> . . . . .	64 0	252 66	346 66
<i>Spencer</i> . . . . .	94 0	344 0	438 0
<i>Brookfield</i> . . . . .	142 0	756 0	898 0
<i>Western</i> . . . . .	40 0	241 33	281 33
<i>Sturbridge</i> . . . . .	92 0	416 0	508 0
<i>Charlton</i> . . . . .	. . . . .	501 33	501 33
<i>Dudley</i> . . . . .	76 0	233 33	309 33
<i>Douglas</i> . . . . .	68 0	185 33	253 33
<i>Uxbridge</i> . . . . .	152 0	318 66	470 66
<i>Mendon</i> . . . . .	124 0	369 33	493 33
One thousand, one hundred & seventy one dollars & thirty three cents . . . . .			
Three hundred & forty six dollars & sixty six cents . . . . .			
Four hundred & thirty eight dollars . . . . .			
Eight hundred & ninety eight dollars . . . . .			
Two hundred & eighty one dollars & thirty three cents . . . . .			
Five hundred and eight dollars . . . . .			
Five hundred and one dollar & thirty three cents . . . . .			
Three hundred and nine dollars & thirty three cents . . . . .			
Two hundred and fifty three dollars & thirty three cents . . . . .			
Four hundred & seventy dollars & sixty six cents . . . . .			
Four hundred & ninety three dollars & thirty three cents . . . . .			

Milford	48 0	218 66	Two hundred & Sixty Six Dollars & sixty six cents	266 66
Northbridge		113 33	One hundred & thirteen Dollars & thirty three cents	113 33
Sutton	138 0	581 33	Seven hundred & nineteen Dollars & thirty three cents	719 33
Oxford	70 0	292 66	Three hundred & twelve Dollars & Sixty six cents	312 66
Ward		145 33	One hundred & forty five Dollars & thirty three cents	145 33
Grafton	92 0	250 66	Three hundred & forty two Dollars & sixty six cents	342 66
Upton	72 0	180 0	Two hundred & fifty two Dollars	252 0
Shrewsbury	142 0	265 33	Four hundred & Seven Dollars & thirty three cents	407 33
Westboro'	170 0	272 0	Four hundred & forty two Dollars	442 0
Southboro'		133 33	One hundred & ninety three Dollars & thirty three cents	193 33
Northboro'	48 0	177 33	Two hundred & twenty five Dollars & thirty three cents	225 33
Boylston	102 0	254 66	Three hundred and fifty six Dollars & sixty six cents	356 66
Paxton		158 66	One hundred and fifty eight Dollars & sixty six cents	158 66
Holden	140 0	265 33	Four hundred & five Dollars & thirty three cents	405 33
Lancaster	160 0	350 66	Five hundred & ten Dollars & Sixty six cents	510 66
Harvard	152 0	317 33	Four hundred & sixty nine Dollars & thirty-three cents	469 33
Bolton	41 65	225 33	Two hundred & sixty six Dollars & ninety eight cents	266 98
Berlin	24 35	132 0	One hundred & fifty six Dollars & thirty five cents	156 35
Sterling	120 0	390 66	Five hundred & ten Dollars & sixty six cents	510 66
Princeton	56 0	302 66	Three hundred & fifty eight Dollars & sixty-six cents	358 66
Rutland	116 0	329 33	Four hundred & forty five Dollars & thirty three cents	445 33
Oakham		166 66	One hundred & Sixty six Dollars & sixty six cents	166 66
New Braintree	146 0	217 33	Three hundred & sixty three Dollars & thirty three cents	363 33
Hartwick	188 0	357 33	Five hundred & forty five Dollars & thirty three cents	545 33
Barre	160 0	489 33	Six hundred & forty nine Dollars & thirty three cents	649 33
Hubbardston	52 0	248 0	Three hundred Dollars	300 0
Westminster	158 0	306 66	Four hundred & sixty four Dollars & Sixty six cents	464 66
Leominster	140 0	276 0	Four hundred & sixteen Dollars	416 0
Lunenburg		278 66	Three hundred & forty two Dollars and sixty six cents	342 66
Fitchburgh	64 0	234 66	Four hundred & fourteen Dollars & sixty-six cents	414 66
Ashburnham	180 0	193 33	One hundred & Ninety three Dollars & thirty three cents	193 33
Winchendon	120 0	250 66	Three hundred & seventy Dollars & Sixty six cents	370 66
Gardner		132 0	One hundred & thirty two Dollars	132 0
Templeton	86 0	233 33	Three hundred & nineteen Dollars & thirty three cents	319 33
Royalston	162 0	259 37	Four hundred & nineteen Dollars & thirty seven cents	421 37
Petersham		376 0	Three hundred & seventy six Dollars	376 0

## COUNTY OF WORCESTER—CONCLUDED.

Towns.	Representatives' Pay.	Proportion of \$133,802 52	Total.
<i>Athol</i> . . . . .	Dolls. Cts. 56 0	Dolls. Cts. 136 62 176 0 76 0	Dolls. Cts. 252 62 176 0 76 0
<i>Gerry</i> . . . . .		Two hundred & fifty two Dollars & sixty two cents . . . . .	
<i>Dana</i> . . . . .		One hundred & seventy six Dollars . . . . .	
		Seventy Six Dollars . . . . .	
		Eighteen thousand, Seven hundred & nine Dollars & eighty two cents . . . . .	18709 82

## COUNTY OF BERKSHIRE.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
<i>Lenox</i> . . . . .	150 0	237 33	Three hundred and eighty seven dollars & thirty three cents . . . . .		387 33
<i>Sheffield</i> . . . . .	60 98	370 66	Four hundred and thirty one dollars & sixty four cents . . . . .		431 64
<i>Mt. Washington</i> . . . . .	7 2	42 66	Forty Nine dollars & sixty eight cents . . . . .		49 68
<i>Stockbridge</i> . . . . .	122 0	293 33	Four hundred and fifteen dollars & thirty three cents . . . . .		415 33
<i>New Marlboro'</i> . . . . .	130 0	290 66	Four hundred and twenty dollars & sixty six cents . . . . .		420 66
<i>Egremont</i> . . . . .	60 0	132 0	One hundred and Ninety two dollars . . . . .		192 0
<i>Pittsfield</i> . . . . .	240 0	477 33	Seven hundred and Seventeen dollars & thirty three cents . . . . .		717 33
<i>Gt. Barrington</i> . . . . .	102 0	300 0	Four hundred and two dollars . . . . .		402 0
<i>Sandisfield</i> . . . . .	121 5	288 0	Four hundred and Nine dollars & five cents . . . . .		409 5
<i>Southfield</i> . . . . .	12 95	30 66	Forty three dollars and sixty one Cents . . . . .		43 61
<i>Tyringham</i> . . . . .	34 0	233 33	Two hundred and eighty seven dollars & thirty three cents . . . . .		287 33
<i>Lanesboro'</i> . . . . .	82 33	304 0	Three hundred and eighty six dollars & thirty three cents . . . . .		386 33
<i>New Ashford</i> . . . . .	17 67	65 33	Eighty three dollars . . . . .		83 0
<i>Williamstown</i> . . . . .	102 0	345 33	Four hundred and forty seven dollars & thirty three cents . . . . .		447 33
<i>Becket</i> . . . . .		173 33	One hundred and seventy three dollars & thirty three cents . . . . .		173 33

<i>Windsor</i>	110 0	204 0	Three hundred and fourteen dollars	.	.	.	314 0
<i>Partridgefield</i>	.	.	Two hundred and six dollars & forty cents	.	.	.	206 40
<i>Husdale</i>	69 60	136 80	One hundred & thirty seven dollars & sixty cents	.	.	.	137 60
<i>Alford.</i>	46 40	91 20	Nine hundred & sixty six cents	.	.	.	98 66
<i>Loudon.</i>	.	76 0	Seventy six dollars	.	.	.	76 0
<i>W. Stockbridge</i>	86 0	176 0	Sixty two dollars	.	.	.	262 0
<i>Richmond</i>	124 0	242 66	Three hundred and Sixty six dollars & sixty six cents	.	.	.	366 66
<i>Hancock</i>	.	185 33	One hundred and eighty five dollars & thirty three cents	.	.	.	185 33
<i>Washington.</i>	.	133 33	One hundred and thirty three dollars & thirty three cents	.	.	.	133 33
<i>Lee</i>	60 0	209 33	Two hundred and Sixty nine dollars & thirty three cents	.	.	.	269 33
<i>Adams.</i>	120 0	276 0	Three hundred and Ninety six dollars	.	.	.	396 0
<i>Dutton.</i>	.	158 66	One hundred and fifty eight dollars & sixty six cents	.	.	.	158 66
<i>Bethlehem</i>	.	60 0	Sixty Dollars	.	.	.	60 0
<i>Cheshire</i>	36 0	273 33	Three hundred and Nine dollars & thirty three cents	.	.	.	309 33
<i>Savoy</i>	.	58 66	Fifty eight dollars & sixty six cents	.	.	.	58 66
<i>Clarksburgh</i>	.	33 33	Thirty three dollars & thirty three cents	.	.	.	33 33
	1894 0	6017 24	Seven thousand, nine hundred & eleven Dollars & twenty four Cents.	.	.	.	7911 24

COUNTY OF NORFOLK.

<i>Dedham</i>	Dolls. Cts.	Dolls. Cts.	Six hundred and Ninety dollars	.	.	.	Dolls. Cts.
<i>Roxbury</i>	146 0	544 0	One thousand four hundred & Eighty One dollars & thirty three cents	.	.	.	690 0
<i>Dorchester</i>	404 0	1077 33	Seven hundred & forty three dollars & thirty three cents	.	.	.	1481 33
<i>Waymouth</i>	102 0	641 33	Five hundred and Sixty dollars	.	.	.	743 33
<i>Braintree</i>	136 0	424 0	Three hundred and One dollars & thirty three cents	.	.	.	560 0
<i>Medfield</i>	.	301 33	Two hundred and Eighty Seven dollars & fifty four Cents	.	.	.	301 33
<i>Dover</i>	78 21	209 0	Four hundred and twelve dollars & forty five cents	.	.	.	287 54
<i>Milton.</i>	57 79	154 66	Five hundred and eighty four dollars	.	.	.	212 45
<i>Wrentham</i>	128 0	333 33	Three hundred and thirty dollars & sixty six Cents	.	.	.	461 33
<i>Brookline</i>	132 0	452 0	Two hundred and Ninety One dollars & thirty three cents	.	.	.	584 0
<i>Needham</i>	64 0	266 66	Three hundred and forty four Dollars & Sixty Six Cents	.	.	.	330 66
<i>Medway</i>	50 0	231 33	Three hundred and forty four Dollars & Sixty Six Cents	.	.	.	291 33
	46 0	298 66		.	.	.	344 66

## COUNTY OF NORFOLK — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,302 52	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Beltingham .	78 0	180 0	Two hundred and fifty eight Dollars . . . . .
Walpole .	92 0	225 33	Three hundred & seventeen Dollars & thirty three Cents . . . . .
Stoughton .	70 0	170 66	Two hundred & forty Dollars & sixty six Cents . . . . .
Sharon .	40 0	197 33	Two hundred and thirty-seven dollars and thirty-three cents . . . . .
Cohasset .	110 0	200 0	Three hundred and ten Dollars . . . . .
Franklin .	182 0	334 66	Five hundred & sixteen Dollars & Sixty Six Cents . . . . .
Forboro' .		160 0	One hundred and Sixty Dollars . . . . .
Quincy .	44 0	293 33	Three hundred & thirty seven Dollars & thirty three Cents . . . . .
Randolph .	106 0	232 0	Three hundred and thirty eight Dollars . . . . .
Canton .	72 0	209 33	Two hundred & Eighty one Dollars & thirty three Cents . . . . .
	2138 0	7146 60	Nine thousand two hundred & Eighty four dollars, & sixty Cents . . . . .
			9284 60

## COUNTY OF YORK.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
York .	126 0	610 66	Seven hundred & thirty six Dollars & sixty six Cents . . . . .
Kittery .	184 0	638 66	Eight hundred & twenty two Dollars & sixty six Cents . . . . .
Wells .	164 0	760 0	Nine hundred & twenty four Dollars . . . . .
Arundel .	84 0	368 0	Four hundred & fifty two Dollars . . . . .
Bildeford .	44 0	288 0	Three hundred & thirty two Dollars . . . . .
Berwick .	158 0	785 33	Nine hundred & forty three Dollars & thirty three Cents . . . . .
Lebanon .	100 0	244 0	Three hundred & forty four Dollars . . . . .
Sandford .	47 0	180 0	Two hundred & eighty seven Dollars . . . . .
Alfred .	39 0	149 33	One hundred & Eighty eight Dollars & thirty three Cents . . . . .
Lyman .	62 0	174 66	Two hundred and thirty six Dollars & sixty six Cents . . . . .
Phillipsburgh .	38 0	148 0	One hundred & Eighty Six Dollars . . . . .
Waterboro' .	54 0	146 67	Two hundred Dollars & sixty seven Cents . . . . .
			200 67



Shapleigh	248 0	Two hundred & forty eight Dollars	.	.	.	.	248 0
Newfield	64 0	Sixty four Dollars	.	.	.	.	64 0
Limerick	136 0	One hundred & thirty six Dollars	.	.	.	.	136 0
Lamington	178 66	One hundred & Seventy eight Dollars & Sixty six Cents	.	.	.	.	178 66
Cornish	96 0	Niney Six Dollars	.	.	.	.	96 0
Parsonsfield	189 33	One hundred & Eighty nine Dollars & thirty three Cents	.	.	.	.	189 33
Buxton	349 33	Four hundred & Ninety three Dollars & thirty three Cents	.	.	.	.	493 33
144 0	128 0	One hundred and twenty eight Dollars	.	.	.	.	128 0
Fryeburgh	40 0	Forty Dollars	.	.	.	.	40 0
Brownfield	14 66	Fourteen Dollars and Sixty Six Cents	.	.	.	.	14 66
Hiram	17 33	Seventeen Dollars and thirty three Cents	.	.	.	.	17 33
Porterfield	40 0	Forty Dollars	.	.	.	.	40 0
Loxell	86 66	Eighty Six Dollars & Sixty six Cents	.	.	.	.	86 66
Waterford	17 33	Seventeen Dollars & thirty three Cents	.	.	.	.	17 33
Albany	89 33	Eighty Nine Dollars & thirty three Cents	.	.	.	.	89 33
Bethel	21 33	Twenty one Dollars & thirty three Cents	.	.	.	.	21 33
East Andover			.	.	.	.	
Gilead		Six hundred & Ninety four Dollars & Sixty six Cents	.	.	.	.	694 66
Pepperellboro', now Sacco		Eight thousand One hundred & forty seven Dollars & ninety three Cents	.	.	.	.	8147 93
	6075 93						
	1472 0						
	{ (No Valuation.)						
	228 0						

COUNTY OF CUMBERLAND.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Portland</i>	1492 0	One thousand Eight hundred & seventy two Dollars	1872 0
<i>Falmouth</i>	380 0	Eight hundred and twelve Dollars	812 0
<i>Cape Elizabeth</i>	152 0	Two hundred & thirteen Dollars & thirty three Cents	213 33
<i>Scarboro'</i>	114 0	Six hundred & fourteen Dollars	614 0
<i>Gorham</i>	126 0	Five hundred & eight Dollars & Sixty six Cents	508 66
<i>Standish</i>	106 0	One hundred & Seventy Dollars & Sixty Six Cents	170 66
<i>Windham</i>	106 0	Three hundred & twenty eight Dollars & sixty-six cents	328 66
<i>Gray</i>	136 0	One hundred & fifty seven Dollars & thirty three Cents	157 33
<i>New Gloucester</i>	136 0	Three hundred & Sixty four Dollars	364 0

## COUNTY OF CUMBERLAND — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,302.32	Total.
<i>No. Yarmouth</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Freeport</i>	172 0	553 33	Seven hundred & twenty five Dollars & thirty three Cents .
<i>Brunswick</i>		413 33	Four hundred & thirteen Dollars & thirty three Cents .
<i>Harpwell</i>	88 0	325 33	Four hundred & thirteen Dollars & thirty three Cents .
<i>Durham</i>	30 0	213 33	Two hundred & forty three Dollars & thirty three Cents .
<i>Pejepscot</i>		206 66	Two hundred & Six Dollars & Sixty six Cents .
<i>Poland</i>		60 0	Sixty Dollars .
<i>Raymond</i>		110 66	One hundred & ten Dollars & Sixty six Cents .
<i>Baldwin</i>		64 0	Sixty four Dollars .
<i>Bridge-town</i>		46 66	Forty Six Dollars & Sixty Six Cents .
<i>Otisfield</i>		117 33	One hundred & Seventeen Dollars & thirty three cents .
<i>Hebron</i>	102 0	88 0	Eighty eight Dollars .
<i>Minot</i>		136 0	Two hundred & thirty eight Dollars .
<i>Turner</i>		229 33	Two hundred & twenty nine Dollars & thirty three Cents .
<i>Livermore</i>		152 0	One hundred & fifty two Dollars .
<i>Norway</i>	58 0	84 0	One hundred & forty two Dollars .
<i>Paris</i>	174 0	77 33	Seventy Seven Dollars & thirty three Cents .
<i>Backfield</i>		129 33	Three hundred & three Dollars & thirty three Cents .
<i>Summer</i>		129 33	One hundred & twenty nine Dollars & thirty three Cents .
<i>Hartford</i>		57 33	Fifty seven Dollars & thirty three Cents .
<i>Rumford</i>		46 66	Forty Six Dollars & Sixty six cents .
<i>Dixfield</i>		40 0	Forty Dollars .
<i>Holmanstown</i>		11 33	Eleven Dollars & thirty three Cents .
<i>Thompson's Pond &amp; Shakers Settlement</i>		11 33	Eleven Dollars & thirty three Cents .
		18 66	Eighteen Dollars Sixty Six Cents .
	1638 0	7347 90	Eight thousand Nine hundred & eighty five dollars & ninety Cents .
			8985 90

COUNTY OF LINCOLN.

	Dolla. Cts.	Dolla. Cts.		Dolla. Cts.	Dolla. Cts.
Wiscasset	124 0	424 0	Five hundred & forty eight Dollars	.	548 0
New Castle	64 0	189 33	Two hundred & fifty three Dollars & thirty three Cents	.	253 33
Woodrich	52 0	200 0	Two hundred & fifty two Dollars	.	252 0
Boothbay	44 0	182 66	Two hundred & twenty six Dollars & sixty six Cents	.	226 66
Edgcombe	.	152 0	One hundred & fifty two Dollars	.	152 0
Dresden	.	130 66	One hundred & thirty Dollars & sixty six cents	.	130 66
New Milford	.	180 66	One hundred and fifty dollars and sixty-six cents	.	150 66
Bristol	82 0	365 33	Four hundred & forty seven Dollars & thirty three cents	.	447 33
Nobleboro'	114 0	117 33	One hundred & seventeen Dollars & thirty three cents.	.	117 33
Waldoboro'	.	272 0	Three hundred & Eighty six Dollars	.	386 0
Meduncook	.	62 66	Sixty-two Dollars, and sixty six cents	.	62 66
Cushing	.	74 67	Seventy four Dollars & Sixty seven Cents	.	74 67
St. George	92 0	86 66	One hundred & Seventy eight Dollars & Sixty six cents	.	178 66
Thomaston	144 0	254 66	Three hundred & ninety eight Dollars & Sixty six cents	.	398 66
Warren	58 0	198 66	Two hundred, & fifty six Dollars & sixty six cents	.	256 66
Canden	.	170 66	One hundred & seventy Dollars & Sixty six cents	.	170 66
Union	.	136 0	One hundred & thirty six Dollars	.	136 0
Palermo	.	72 0	Seventy two Dollars	.	72 0
Georgetown	130 0	301 33	Four hundred & thirty one Dollars & thirty three cents	.	431 33
Bath	114 0	268 0	Three hundred & eighty two Dollars	.	382 0
Topsham	164 0	196 0	Three hundred & sixty Dollars	.	360 0
Bowdoin	58 0	136 0	One hundred & ninety four Dollars	.	194 0
Bowdoinham	.	125 33	One hundred & twenty five Dollars & thirty three cents	.	125 33
Lewistown	106 0	136 0	Two hundred & forty two Dollars	.	242 0
Litchfield	90 0	120 0	Two hundred & ten Dollars	.	210 0
Lisbon	44 0	98 66	One hundred & forty two Dollars & sixty six cents	.	142 66
Wales	.	38 66	Thirty eight Dollars & sixty six cents	.	38 66
Little River	.	38 66	Thirty eight Dollars & sixty six cents	.	38 66
Hope	.	.	Two hundred & fourteen Dollars & sixty-six cents	.	214 66
Ballstown	.	214 66	Six thousand three hundred & ninety three Dollars & twenty four cents	.	6393 24
{ (No Valua- tion.) }		1480 0			
		4913 24			



<i>Harlem</i>	.	.	.	70 66	Seventy Dollars & sixty six cents.	.	.	.	70 66
<i>Winstone</i>	.	.	.	74 66	One hundred twenty six Dollars & sixty six cents	.	.	.	126 66
<i>Fairfax</i>	.	.	52 0	40 0	Forty Dollars	.	.	.	40 0
<i>Clinton</i>	.	.	.	78 66	Seventy eight Dollars & sixty six cents	.	.	.	78 66
<i>Canaan</i>	.	.	.	101 33	One hundred & one Dollars & thirty three cents	.	.	.	101 33
<i>Norridgewock</i>	.	.	.	86 66	Eighty six Dollars & sixty six cents	.	.	.	86 66
<i>Madison</i>	.	.	.	26 66	Twenty Six Dollars & Sixty six cents	.	.	.	26 66
<i>Cornville</i>	.	.	.	36 0	Thirty Six Dollars	.	.	.	36 0
<i>Athens</i>	.	.	.	18 66	Eighteen Dollars & Sixty six cents	.	.	.	18 66
<i>Harmony</i>	.	.	.	16 0	Sixteen Dollars	.	.	.	16 0
<i>Unity</i>	.	.	.	53 33	Fifty three Dollars & thirty three cents	.	.	.	53 33
<i>Seven Mile brook No. 2,</i>	.	.	.	20 0	Twenty Dollars No. 6,	.	.	.	20 0
<i>Avon, Temple</i>	.	.	.			.	.	.	
<i>Emblen (late N. 1)</i>	.	.	.	24 0	Twenty four Dollars	.	.	.	24 0
				3435 86	Four thousand, three hundred & fifty nine dollars & eighty six Cents				4359 86

{ (No Valuation.) }

COUNTY OF HANCOCK.

	Dolls. Cts.		Dolls. Cts.		Dolls. Cts.
<i>Castine</i>	102 0	.	184 0	Two hundred & eighty six Dollars	286 0
<i>Panolscot</i>	184 0	.	118 66	Three hundred & two Dollars & Sixty six cents	302 66
<i>Orland</i>	.	.	52 0	Fifty two Dollars	52 0
<i>Bucktown</i>	32 0	.	113 33	One hundred & forty five Dollars & thirty three cents	145 33
<i>Orrington</i>	168 0	.	122 66	Two hundred and Ninety Dollars & Sixty Six cents	290 66
<i>Sadgwick</i>	.	.	120 0	One hundred and twenty Dollars	120 0
<i>Blue Hill</i>	.	.	108 0	One hundred and eight Dollars	108 0
<i>Surry</i>	.	.	42 66	Forty two Dollars & sixty six cents	42 66
<i>Ellsworth</i>	.	.	28 0	Twenty eight Dollars	28 0
<i>Trenton</i>	.	.	93 33	Ninety three Dollars and thirty three cents	93 33
<i>Sullivan</i>	.	.	89 0	Eighty nine Dollars	89 0
<i>Gouldsboro</i>	.	.	61 33	Sixty one Dollars & thirty three cents	61 33
<i>Mt. Desert</i>	.	.	89 33	Eighty nine Dollars & thirty three cents	89 33
<i>Eden</i>	.	.	66 66	Sixty Six Dollars & sixty six cents	66 66
<i>Deer Isle</i>	.	.	112 0	One hundred & twelve Dollars	112 0

## COUNTY OF HANCOCK — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,302 52	Total.
<i>Isleboro'</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Winthorpe</i>		66 66	66 66
<i>Belfast</i>	146 0	102 66	102 66
<i>Northport</i>		101 33	247 33
<i>Lincolnton</i>		72 0	72 0
<i>Prospect</i>	28 0	62 66	90 66
<i>Frankfort</i>		121 33	121 33
<i>Hampden</i>	102 0	118 66	230 66
<i>Bangor</i>	164 0	116 0	280 0
<i>Darvinstown</i>		56 0	56 0
<i>Colburntown</i>		18 66	18 66
<i>Eddington</i>		16 0	16 0
<i>Sullivan adjacent</i>		29 66	29 66
	926 0	2301 24	3227 24
			Three thousand two hundred & twenty seven dollars & twenty four Cents . . . . .

## COUNTY OF WASHINGTON.

TOWNS.	Representatives' Pay.	Proportion of \$133,302 52	Total.
<i>Machias</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Addison</i>		162 66	162 66
<i>Harrington</i>		48 0	48 0
<i>Stauben</i>		37 33	37 33
<i>Columbia</i>		38 66	38 66
<i>Eastport</i>		46 66	46 66
<i>Plantation No. 22</i>		78 66	78 66
<i>Cherryfield</i>		53 33	53 33
		13 33	13 33
		478 63	478 63
			Four hundred & Seventy eight Dollars & Sixty three Cents . . . . .

AGGREGATE OF THE SEVERAL COUNTIES.

	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
<i>Suffolk</i> . . . . .	1022 0	16906 66	Seventeen thousand Nine hundred & twenty eight Dollars & Sixty Six cents	17928 66
<i>Essex</i> . . . . .	3584 0	20135 93	Twenty three thousand, Seven hundred & nineteen Dollars & ninety three cents	23719 93
<i>Middlesex</i> . . . . .	3604 0	12326 53	Fifteen thousand, Nine hundred & thirty Dollars & fifty three Cents .	15930 53
<i>Hampshire</i> . . . . .	3188 0	13167 78	Sixteen thousand, three hundred & fifty five Dollars & Seventy eight cents	16355 78
<i>Plymouth</i> . . . . .	1730 0	7011 93	Eight thousand, Seven hundred & forty one Dollars & ninety three cents	8741 93
<i>Barnstable</i> . . . . .	770 0	2883 97	Three thousand, Six hundred & fifty three Dollars & Ninety seven cents	3653 97
<i>Bristol</i> . . . . .	1740 0	6330 60	Eight thousand, & Seventy Dollars & Sixty Cents	8070 60
<i>Dukes County</i> . . . . .	184 0	626 66	Eight hundred & ten Dollars & Sixty six cents	810 66
<i>Nantucket</i> . . . . .	188 0	1260 0	One thousand, four hundred & forty eight Dollars	1448 0
<i>Worcester</i> . . . . .	4374 0	14335 82	Eighteen thousand, seven hundred & nine Dollars & eighty two cents	18709 82
<i>Berkshire</i> . . . . .	1894 0	6017 24	Seven thousand, Nine hundred & Eleven Dollars & twenty four cents	7911 24
<i>Norfolk</i> . . . . .	2138 0	7146 60	Nine thousand, two hundred & eighty four Dollars & sixty cents	9284 60
<i>York</i> . . . . .	1472 0	6675 93	Eight thousand, one hundred & forty seven Dollars & ninety three cents	8147 93
<i>Cumberland</i> . . . . .	1638 0	7347 90	Eight thousand, Nine hundred & eighty five Dollars & ninety cents	8985 90
<i>Lincoln</i> . . . . .	1480 0	4913 24	Six thousand, three hundred & ninety three Dollars & twenty four Cents	6393 24
<i>Kennebec</i> . . . . .	924 0	3435 86	Four thousand, three hundred & fifty nine Dollars & eighty six cents	4359 86
<i>Hancock</i> . . . . .	926 0	2301 24	Three thousand, two hundred & twenty seven Dollars & twenty four Cents	3227 24
<i>Washington</i> . . . . .		478 63	Four hundred, & Seventy eight Dollars & sixty three Cents	478 63
	30856 0	133,302 52	One hundred sixty four thousand, one hundred & fifty eight dollars & fifty two Cents	164,158 52

SEC. 2D. *And be it further enacted,* That the treasurer of this Commonwealth shall, forthwith, send his Warrant, directed to the Selectmen or Assessors of each town, district, plantation or other place, taxed as aforesaid, requiring them respectively to assess, in dollars and cents, the sum so charged, in manner following, that is to say, to tax each male poll, above the age of sixteen years, within their respective towns, districts, plantations or other places adjoining them, not belonging to any other town district or plantation, provided such places were returned or included in the last valuation, at twenty-seven cents each; and the remainder of such sum, charged as aforesaid to each town, district, plantation or other place respectively, to assess upon the respective inhabitants thereof, according to the value of the real-estate therein possessed by each of them on the first day of May next, either in his own right, or the right of others, improved or not improved (except pews in houses of public worship,) or upon the owners of real-estate in such town district, plantation or other place, whether such owners reside in the same, or not, on the first day of May, according to the just value thereof, and upon non-resident proprietors of real-estate, lying within such town, district, plantation or other place, in their own right or the right of others, improved or not improved; and also on the inhabitants of such town, district, plantation or other place, and all other persons possessing estates within the same on the said first day of May, according to the proportion of the amount of their respective personal estates, including all money at interest more than they pay interest for, and all other debts due to them more than they are indebted for; monies of all kinds on hand; public securities of all kinds; all bank stock and shares or property in any incorporate bridge or turnpike-road, or shares in any other incorporated company possessing taxable property, according to the just value thereof; and also the amount of all goods, wares and merchandize, or any other stock in trade, vessels of all kinds, at home or abroad, with all their stores and appurtenances; horses, mules and neat cattle, each of one year old and upwards, & swine of six months old and upwards; and also the amount of the incomes of such inhabitants from any profession, handicraft, trade or employment, or gained by trading by sea or on land; & all other property of the several kinds returned in the last valua-



tion, except sheep, household furniture, wearing apparel, farming utensils & tools of mechanics.

SEC. 3D. *And be it further enacted*, That every minor whose poll shall be taxed by force of this Act, may be assessed to his parent, master or guardian, under whose immediate government he may be living, in the same town, district, plantation or other place, otherwise such minor shall be personally taxed for his poll, as though he were of full age. And every tenant who, by force of this Act, may be assessed, and shall pay any sum for real-estate in his possession, may require his landlord, the owner of such estate, to reimburse half such sum, unless it be otherwise provided for by agreement between them. And every owner of horses, mules, or neat cattle, shall be taxed therefor, in the town, district, plantation or other place, wherein he may be an inhabitant on the said first day of May, notwithstanding any of said creatures may have been sent to some other place or State for pasturage only, before that time. And said Assessors shall estimate all the kinds of property, which by this Act they are required to tax, at six per centum on the value thereof, excepting unimproved lands, which they shall estimate at two per centum only on the value thereof.

SEC. 4TH. *And be it further enacted*, That said Treasurer, in his said Warrant, shall require said Selectmen or Assessors respectively, to make a fair list or lists, of their assessments, setting forth, in distinct columns, against each person's name, how much he or she is assessed for polls, real and personal estate, and income respectively, as aforesaid, distinguishing any sum assessed on such person as guardian, or for any estate in his or her possession in trust; and also to insert in such lists the number of acres of unimproved land which they may have taxed to each non resident proprietor of lands, and the value at which they have estimated the same; and such list or lists, when completed and signed by them or the major part of them, to commit to the collector or collectors, constable or constables of such town, district, plantation or other place respectively, with a Warrant or Warrants, in due form of law, requiring them to collect and pay the same to the said Treasurer on or before the first day of April, in the year of Our Lord one thousand eight hundred and six; and also to return a certificate of the name or names of such collector or collectors, constable or constables, with

the sum total which they may be so required respectively to collect, to the said Treasurer, some time before the first day of December next.

And whereas there are many persons within this Commonwealth engaged in trade, who negotiate much business, and hire shops, stores and wharves in towns, districts or places, other than where they dwell, and whose property and ability can be better known to the Assessors of the several towns wherein such business is transacted, than to those of the town, district or other place where they may dwell: Therefore

SECT. 5. *Be it further enacted*, That for such goods, wares & merchandize, or other stock in trade, ships & vessels, as are sold, used or improved in the towns, districts, plantations or places, other than where the owners thereof may dwell, such owners shall be respectively taxed therefor in such town, district, plantation or other place, and not where they dwell or have their home; and they shall be respectively held to deliver, on oath or affirmation, if required, a list of their whole taxable estate, to the Assessors of the town, district, plantation or other place, where they may dwell on the said first day of May, distinguishing what part thereof is taxable elsewhere, and in default thereof, they may be doomed by said Assessors. *Provided, however*, that this clause shall in no case be so construed as to enable the Assessors of any town, district, plantation or other place, to assess an inhabitant of any other town, district, plantation or other place, for any property charged thereon in the last valuation.

SEC. 6TH. *And be it further enacted*, That the President, Professors, Tutors, Librarian, and Students of Harvard Williams and Bowdoin Colleges, respectively, who have their usual residence there, and who enjoy no other pecuniary Office or employment; also ministers of the Gospel, Preceptors of Academies established by law, and Latin Grammar School-masters, shall not be assessed for their polls or estates under their personal management, in the towns, districts or parishes where they are settled; and that all persons who have the management of the estates of Harvard, Williams and Bowdoin Colleges, and the Academies aforesaid, respectively, shall not be assessed for the same: And that Indians shall not be assessed for their polls or estates. And if there be any other persons, who, by reason of age, infirmity or poverty, may be unable

to contribute towards the public charges, in the Judgment of said Assessors respectively, they may exempt the poll and estate of such persons, or abate any part of what they are set at, as they may think just and equitable.

SEC. 7TH. *And be it further enacted*, That the Justices of the Peace, at their sessions in their respective Counties, when duly authorized to assess a County tax, shall apportion the same on the several towns, districts, plantations or other places therein, according to the proportion at which they are rated in this Act; and in the assessment of all County, town, parish or society taxes, the Assessors of each town, district, parish, plantation, society, or other place in this Commonwealth, shall govern themselves by the same rules, and assess the polls therein in the same proportion as they may be assessed to pay by force of this Act; having regard to all such alterations of polls or property, as may happen within the same subsequent to the assessment of the tax laid by this Act, excepting such parishes and societies for which different provision for assessing their taxes is made by law. Provided always, that it shall be lawful for any town, district, parish or plantation to make, levy and collect any county, town, parish or society tax, according to a new valuation, and for that purpose to cause a valuation to be taken therein, at any time of the year which they may determine to be necessary, at a legal meeting warned for that purpose; and the Assessors of the several towns, which by this Act are charged with an additional sum for the pay of their representatives, shall assess such sum on the polls and estates therein, in the same proportion at which such polls and estates shall be respectively assessed for raising the sum of One hundred and thirty three thousand, three hundred and two dollars, and fifty-two cents.

SEC. 8TH. *And be it further enacted*, That the foregoing tax be, and hereby is appropriated for defraying the expenses of Government, and that no order shall be drawn by the Treasurer on any Constable or Collector of this tax for any part of the same. And all the said Assessors shall make their several rate lists to be committed to Collectors or Constables, in the form prescribed at the end of this Act.

*Form of Rate Lists to be made by Assessors, & committed to Collectors or Constables.*

STATE TAX.					
Names of Persons to be taxed.	Number of Polls.	Poll Tax.	Real Estate.	Personal Estate and Income.	Total.
		Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.

*Form of Rate Lists of non-resident Proprietors of unimproved lands.*

STATE TAX.						
Names of Persons to be taxed (If known.)	Number of each Lot (If known.)	Number of Division or description of the Range (if known.)	Number of Acres.	Value.	Tax.	Total.
				Dollars. Cents.	Dollars. Cents.	Dollars. Cents.

*Approved March 14, 1805.*

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RESOLVES  
OF  
MASSACHUSETTS.

1804.

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# RESOLVES

OF THE

## GENERAL COURT

OF THE

## COMMONWEALTH OF MASSACHUSETTS,

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*,  
ON WEDNESDAY, THE THIRTIETH DAY OF  
*MAY*, *A. D.* 1804.

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BOSTON:

PRINTED BY YOUNG & MINNS,

*Printers to the Honorable the General Court.*

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# RESOLVES

OF THE

## GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS.

BEGUN AND HELD AT BOSTON, IN THE COUNTY OF  
SUFFOLK, ON WEDNESDAY, THE THIRTIETH DAY OF  
MAY, A.D. 1804.

### GOVERNOR.

His Excellency CALEB STRONG, Esquire.

### LIEUTENANT GOVERNOR.

His Honor EDWARD H. ROBBINS, Esquire.

### COUNSELLORS.

Honorable Nathan Cushing, John Hastings, Oliver Wendell, Salem Town, Nathaniel Marsh,	Honorable Stephen Bulloek, Artemas Ward, Henry Knox, Samuel Dexter, jun. Esquires.
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<i>Palmer</i> , Aaron Merrick,	<i>Southampton</i> , Lemuel Pomeroy,
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<i>Montague</i> ,	Israel Parsons,
<i>Greenwich</i> , Robert Field,	<i>Coleraine</i> ,
<i>Amherst</i> , Zebina Montague,	<i>Bernardston &amp; Leyden</i> ,
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<i>Belchertown</i> , Eleazer Clark,	<i>Charlemont</i> , Joshua Hawks,
<i>Shutesbury</i> ,	<i>Chester</i> , Ozias French,
<i>Ware</i> , William Bowdoin,	<i>Conway</i> , Reuben Bardwell,
<i>South-Brimfield</i> , { Josiah Gardner,	<i>Ashfield</i> , Elijah Paine,
& <i>Holland</i> , { ner,	<i>Shelburne</i> , John Long,
<i>Warwick &amp; Orange</i> , Oliver Chapin,	<i>Worthington</i> , Jonathan Wood-bridge,
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	Jeremiah Stebbins,

REPRESENTATIVES — *Continued.**County of HAMPSHIRE* — Concluded.

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<i>Goshen</i> ,	

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<i>Middleborough</i> , John Tinkham,	<i>Carver</i> ,
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<i>Rehoboth</i> , Frederick Drown,	<i>Raynham</i> , Israel Washburn,
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<i>Dighton</i> , John Hathaway,	<i>Fall-River</i> , Abraham Bowen,

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*Nantucket*, Micajah Coffin,

*County of WORCESTER.*

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Edward Baugs,	<i>Leicester</i> , Nathaniel P. Dennie,
<i>Lancaster</i> , Jonathan Wilder,	<i>Rutland</i> , Jonas How,
<i>Mendon</i> , Joseph Adams,	<i>Sutton</i> , Stephen Monroe,

## REPRESENTATIVES — Continued.

## County of WORCESTER — Concluded.

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<i>Brookfield</i> , Jabez Upham,	<i>Athol</i> , Eleazar Graves,
<i>Uxbridge</i> , Bezaleel Taft,	<i>Oakham</i> ,
<i>Southborough</i> ,	<i>Fitchburgh</i> , Joseph Fox,
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<i>Grafton</i> , Joseph Wood,	<i>Northborough</i> , James Keyes,
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<i>Hardwick</i> , John Hastings,	<i>Westminster</i> , Jonas Whitney,
<i>Bolton &amp; Berlin</i> , Silas Holman,	<i>Princeton</i> , John Dana,
<i>Sturbridge</i> , Thomas Upham,	<i>Northbridge</i> ,
<i>Holden</i> , Elnathan Davis,	<i>Barre</i> , Joel Bent,
<i>Leominster</i> , Jonas Kendall,	<i>Ward</i> ,
<i>Western</i> , Danforth Keyes,	<i>Milford</i> , Samuel Jones,
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<i>New-Braintree</i> , James Woods,	<i>Gardner</i> ,
<i>Spencer</i> , Benjamin Drury,	<i>Boylston</i> , James Longley,
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## County of BERKSHIRE.

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<i>Pittsfield</i> , Timothy Childs,	<i>Hancock</i> ,
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<i>Tyringham</i> , Adonijah Bidwell,	<i>Cheshire</i> , Jonathan Richardson,
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<i>Foxborough</i> ,	<i>Canton</i> , Joseph Bemis,

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<i>Falmouth</i> , Archelaus Lewis,	<i>Bridgetown</i> ,
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<i>Gorham</i> , Lothrop Lewis,	<i>Hartford</i> ,
<i>Cape-Elizabeth</i> ,	<i>Sumner</i> ,
<i>New-Gloucester</i> , Joseph Ellery	<i>Minot</i> ,
Foxcroft,	<i>Baldwin</i> ,
<i>Gray</i> ,	<i>Raymond</i> ,
<i>Standish</i> ,	<i>Rumford</i> ,
<i>Freeport</i> ,	<i>Dixfield</i> ,

*County of LINCOLN.*

<i>Wiscasset</i> , Moses Carleton, jun.	<i>Cushing</i> ,
<i>New-Castle</i> , John Farley,	<i>St. George</i> , John McKeller,
<i>Woolwich</i> , Peleg Tallman,	<i>Warren</i> , John Wylie,
<i>Boothbay</i> , William McCobb,	<i>Union</i> ,
<i>Edgecomb</i> ,	<i>Georgetown</i> , William Lee,
<i>Dresden</i> ,	<i>Bath</i> , William King,
<i>New-Milford</i> ,	<i>Topsham</i> , Benjamin J. Porter,
<i>Bristol</i> , John Johnston,	<i>Bowdoin</i> ,
<i>Nobleborough</i> ,	<i>Bowdoinham</i> ,
<i>Waldoborough</i> ,	<i>Lewistown</i> , Dan Read,
<i>Thomaston</i> , Joshua Adams,	<i>Litchfield</i> ,
<i>Camden</i> , John Harkness,	<i>Lisbon</i> ,

REPRESENTATIVES — *Concluded.**County of KENNEBECK.*

<i>Augusta</i> , Benjamin Whitwell,	<i>Starks</i> ,
<i>Hallowell</i> , Thomas Fillebrown,	<i>Anson</i> ,
<i>Gardiner</i> , Samuel Elwell,	<i>New-Vineyard</i> ,
<i>Monmouth</i> , Simon Dearborn, jun.	<i>Strong</i> ,
<i>Greene</i> ,	<i>Avon</i> ,
<i>Leeds</i> ,	<i>Temple</i> ,
<i>Winthrop</i> , Nathaniel Fairbanks,	<i>Willton</i> ,
<i>Readfield</i> ,	<i>Jay</i> ,
<i>Wayne</i> ,	<i>Pittstown</i> , Samuel Oakman,
<i>Fayette</i> ,	<i>Vassalborough</i> ,
<i>Mount Vernon</i> , Paul Blake,	<i>Harlem</i> ,
<i>Belgrade</i> ,	<i>Winslow</i> , Charles Hayden,
<i>Sydney</i> ,	<i>Fairfax</i> ,
<i>Waterville</i> , Elnathan Sherwin,	<i>Clinton</i> ,
<i>Fairfield</i> ,	<i>Canaan</i> ,
<i>Rome</i> ,	<i>Norridgewock</i> ,
<i>Vienna</i> ,	<i>Madison</i> ,
<i>New-Sharon</i> ,	<i>Cornville</i> ,
<i>Chester ville</i> ,	<i>Athens</i> ,
<i>Farmington</i> , Ebenezer Norton,	<i>Harmony</i> ,
<i>Industry</i> ,	

*County of HANCOCK.*

<i>Castine</i> ,	<i>Mount-Desert</i> ,
<i>Penobscot</i> , Jeremiah Wardwell,	<i>Eden</i> ,
<i>Orland</i> ,	<i>Trenton</i> ,
<i>Buckstown</i> , Jonathan Buck,	<i>Sullivan</i> ,
<i>Orrington</i> , Timothy Freeman,	<i>Gouldsborough</i> ,
<i>Sedgwick</i> ,	<i>Belfast</i> , Jonathan Wilson,
<i>Blue-Hill</i> ,	<i>Prospect</i> ,
<i>Surry</i> ,	<i>Frankfort</i> ,
<i>Ellsworth</i> ,	<i>Hampden</i> , Martin Kinsley,
<i>Isleborough</i> ,	<i>Bangor</i> ,
<i>Deer-Isle</i> ,	<i>Northport</i> ,
<i>Vinalhaven</i> ,	<i>Lincolnville</i> , George Ulmer.

*County of WASHINGTON.*

<i>Machias</i> ,	<i>Addison</i> ,
<i>Steuben</i> ,	<i>Harrington</i> ,
<i>Columbia</i> ,	<i>Eastport</i> ,

## Chapter 1.

## RESOLVE FOR APPOINTMENT OF AN ADDITIONAL NOTARY PUBLIC FOR THE COUNTY OF PLYMOUTH.

*Resolved* that an additional Notary Public be appointed for the County of Plymouth to reside in the town of Duxbury in said County.

*June 1, 1804.*

**Chapter 2.**

RESOLVE FOR APPOINTMENT OF AN ADDITIONAL NOTARY  
PUBLIC FOR THE COUNTY OF CUMBERLAND.

*Resolved*, That there shall in future be appointed an additional Notary Public, in the county of Cumberland, to reside at Harpswell, in said County. *June 5, 1804.*

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**Chapter 3.**

RESOLVE FOR APPOINTMENT OF AN ADDITIONAL NOTARY  
PUBLIC FOR THE COUNTY OF DUKES COUNTY.

*Resolved* That an additional Notary Publick be appointed for the County of Dukes County to reside in either of the Towns of Tisbury or Chilmark. *June 5, 1804.*

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**Chapter 5.\***

RESOLVE ON THE PETITION OF MARY LOW, AUTHORIZING HER  
TO EXECUTE A DEED OF THE LAND MENTIONED.

On the Petition of Mary Low Administratrix on the estate of Joseph Low late of Fitchburgh deceased, representing that her late husband at the time of his decease held in fee a certain piece of Land situate in Fitchburgh containing half an Acre be the same more or less with a dwelling house thereon, which by bargain was the property of Capt. John Upton and that the said John Upton had paid her said husband for the same according to contract and that her said husband was about to give & execute a Deed of the premises before his decease.

*Therefore Resolved* That the said Mary Low Administratrix as aforesaid be and she is hereby fully authorised & empowered to make and execute a good and sufficient Deed of the aforesaid Piece of land and dwelling house to the said John Upton his heirs and assigns, which shall be considered as valid & effectual in Law as a Deed thereof would have been if duly executed by the said Joseph in his Life time. *June 6, 1804.*

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\* Chapter 4 is a message from the Governor, relative to the Province House, and will be found among the messages.



### Chapter 6.

RESOLVE ON THE PETITION OF SAMUEL KENDALL, GUARDIAN TO THE CHILDREN OF HENRY PIGEON, DECEASED, CONFIRMING SALE AT PUBLIC AUCTION OF THE REAL ESTATE MENTIONED.

On the Petition of Samuel Kendall as Guardian of Betsy, Jane, Henry, Maria, & Charles D. Pigeon children & heirs at law of Henry Pigeon, late of Newton, in the County of Middlesex, Yeoman, deceased.

Whereas on the ninth day of February, last past a resolve passed both Houses of the Legislature empowering the said Guardian to sell & dispose of at Public auction all the real estate of the said deceased, lying in said Newton, & belonging to the minors abovementioned, and to convey the same in fee simple, and to execute a good & sufficient deed or deeds thereof to the purchaser. Provided the said Samuel Kendall should first give bonds, to the Judge of Probate, for the County of Middlesex, to observe the rules & regulations of the law in such case made & provided. Which resolve was by accident mislaid and not presented to the Governor for his signature; and whereas said Kendall supposing said resolve had received the signature of the Governor did afterwards give bonds as provided in said Resolve, and did dispose of said estate at Public Auction to John Osborn, of Boston, Merchant — Therefore

*Resolved*, that the doings of said Kendall in regard to the sale of said estate be and hereby are confirmed & that he be authorized to make a good & sufficient deed or deeds thereof to said Osborn his heirs and assigns, he the said Kendall first giving bonds to the said Judge of Probate for accounting with said minors respectively as they shall come of age, for the proceeds of the sale of said estate as is by law in like cases required.

*June 8, 1804.*

### Chapter 7.

\* RESOLVE FOR APPOINTMENT OF AN ADDITIONAL NOTARY PUBLIC FOR THE COUNTY OF HANCOCK.

*Resolved*, That an additional Notary Public be appointed for the County of Hancock to reside at Buckstown.

*June 9, 1804.*

## Chapter 8.

RESOLVE FOR APPOINTMENT OF AN ADDITIONAL NOTARY  
PUBLIC FOR THE COUNTY OF PLYMOUTH.

*Resolved*, That there be an additional Notary Public appointed for the County of Plymouth, to reside in the Town of Hingham.

*June 9, 1804.*

ANSWER OF THE SENATE TO THE GOVERNOR'S SPEECH, AT  
THE OPENING OF THE SESSION.

*May it please your Excellency,*

The Senate are impressed with a deep sense of the obligations, which result from the constitution, and of the indissoluble connexion, between its principles and those of "piety, justice, moderation, temperance, industry and frugality." On this account, it is a source of high satisfaction to them, that your Excellency is again placed at the head of this Commonwealth, and that the principles and virtues, inculcated by the Constitution, shall yet continue to gain illustration from the precepts and example of the Chief Magistrate. On this event, so auspicious to virtue and liberty, they cannot refrain from congratulating themselves and their fellow citizens.

The opinions, expressed by your Excellency, touching the perfection of civil liberty, its opposition to licentiousness, and its consistency with the restrictions of law and justice, are entirely in unison with the sentiments of the Senate and with the principles of the Constitution. The dangers to liberty, from the indiscretion of mistaken, and from the artifices of ambitious men, can not be, too frequently, deprecated.

In all free States, the tyrants, who have ultimately wrested from the people, their liberties, have commenced their machinations, under "the garb of patriotism," and have risen into influence, by employing "their talents to inflame the passions of the people and excite their contempt of decency and order." Whenever, therefore, in any country, a class, or description of men arises, making loud and exclusive pretensions of friendship for the people, yet supporting those pretensions by no rare instances of private, or public, virtue; when such a class or description of men, set themselves assiduously to deceive and

corrupt the people, striving by subtle insinuations and by the circulation of anonymous falsehoods, to deprive honourable and virtuous men of the fair rewards of their talents and integrity, it becomes all those, who have a real regard for the people, and who possess a just and noble zeal to perpetuate the blessings of liberty, order and religion, to be vigilant, active and instant, to maintain the fundamental principles of a free government “piety, justice, moderation, temperance, industry and frugality;” and “to have a particular attention to all those principles, in the choice of their officers and representatives.”

The Senate fully concur in sentiment with your Excellency, that public happiness is founded on order, and that, to maintain it, injustice must be restrained, life and property guarded against outrage, the simple and innocent placed in security from artifice and fraud, and such a state of tranquility produced, as that the most defenceless may be safe under the protection of government. And your Excellency may rest assured, that in all their deliberations concerning public, or private rights and interests, they will keep constantly in view, those great, just and constitutional principles of rational liberty and practical equality, which your Excellency has been pleased to elucidate. And as, on the one hand, it shall be their assiduous study to preserve and cherish that equality of rights, which consists in assuring protection to each individual, in the amenability of all men, of every description, to justice, in equal government and impartial laws, so, on the other, it shall be their solicitude to restrain that injurious and disgraceful spirit of equality falsely so stiled, which would prostitute the honours and preferments of the people, due only to merit and capacity, to criminal ambition and intrigue; a spirit, which never fails to arise in a republic, “when manners are exceedingly depraved, when upright magistrates are no longer respected, and parents and public instructors are treated with rudeness and insolence, when the child behaves himself proudly against the ancient, and the base against the honourable, and the natural and necessary distinctions in society are disregarded.”

The Senate entirely coincide in the sentiments of your Excellency, that, “in some nations, the genius and habits of the people seem not to admit of a free government, and that they appear to be incapable of that just and reasonable obedience, which is necessary in a free state.” A wise

people, therefore, like that of the United States, engaged sincerely and heartily, in the great experiment of ascertaining the capacity of the people to enjoy perfect liberty, with moderation, should admit, with great circumspection, the subjects of such nations, to a free participation in their political rights and privileges; and should, also, at all times, patronize “those institutions, which form the manners and morals of the people, and which tend to inspire them, with veneration for the Supreme Being, with reverence, for just authority, and respect for themselves.”

The communications, made by your Excellency, relative to the choice of Electors of President and Vice President and to the Judiciary Department, shall receive that attention, which the high nature of those subjects demands. The Senate have a deep conviction of the importance of an impartial distribution of justice: To the attainment of which a practicable and convenient system, as well as independent Judges and enlightened and upright Jurors, is essentially necessary.

Your Excellency may, always rely on the zealous co-operation of the Senate in all measures, which “tend to render the State respectable, to promote justice among our fellow citizens, and secure to them a life of quiet and tranquillity.”

*June 9, 1804.*

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ANSWER OF THE HOUSE OF REPRESENTATIVES TO THE GOVERNOR'S SPEECH AT THE OPENING OF THE SESSION.

*May it please your Excellency,*

The House of Representatives, deeply impressed with the obligation they have taken upon themselves, to perform the public duties incumbent upon them, agreeably to the rules and regulations of the Constitution, will on their part faithfully endeavor to protect their fellow-citizens in the enjoyment of their lives, liberty and property; and scrupulously observe the principles of the Constitution; and constantly adhere to those of piety, justice, moderation, temperance, industry and frugality, in the formation of the laws necessary for the good administration of the Commonwealth.

We are highly sensible of the importance of an impartial distribution of justice to all the people, to preserve an equality among them, and to enable them to enjoy that liberty, which, under the protection of law, secures their

lives and property, and to unite them more closely together, and attach them more firmly to the State.

We perfectly and most sincerely agree with your Excellency, in your sentiments of civil liberty; in your estimation of order and regularity in society, and in your definition of equality.

Although it be obvious to thinking and cultivated minds, that nothing can be more opposite to liberty, than licentiousness; yet it is no less obvious, that, by the undistinguishing, the one is frequently confounded with the other.

To a destitution of correctness of the public sentiment, on this subject, is unquestionably to be imputed most of the evils, which have, in ancient as well as modern times, disturbed, convulsed and subverted to their foundations, those sections of the world, on which attempts have been made to maintain republican forms of government.

Knowing, as we do know, that it is infinitely easier to enkindle enthusiasm, and to set on fire the zeal, than to inform the understanding of man, we cannot watch too critically, or shield ourselves too strongly, against ambitious and designing men, who assume the garb of patriotism, and employ their talents to inflame the passions of the people, and excite their contempt of all decency and order.

It is utterly impossible for us to hesitate to concur with your Excellency in the position, that all other equality than that of rights, is wholly inconsistent with the nature of things.

Liberty and equality, as defined by those Utopian Philosophers who have adopted the scheme that love and reason impose upon each individual every necessary restraint; and who, with rapid strides, are travelling on with man, to the perfectability of human nature, are highly calculated to undermine all rational liberty, to prostrate all civil society, and to blot from the face of earth all sorts of Government.

Your Excellency may be assured, that we will spare no exertions to assist our fellow-citizens in forming correct opinions of the terms liberty and equality.

We are feelingly alive to the importance of the experiment, now making in our land, as to the capacity of the American People to enjoy perfect liberty with moderation, which has hitherto proved happily successful. We shall

certainly be solicitous to contribute to its success, by a faithful discharge of our duty. And we sincerely reciprocate the sentiment, that all the efforts of legislative wisdom will be unavailing, without the aid of those institutions, which form the manners and morals of the people, and which tend to inspire them with veneration for the Supreme Being, with reverence for just authority, and respect for themselves.

To the communication of your Excellency, upon the subject of the Judiciary of this Commonwealth, we will most cheerfully pay every attention, that the importance of the subject and the high respectability of the Magistrates, by whom the alterations of the present system are suggested, demand.

The House of Representatives will not fail to afford their aid, in directing the manner in which the Electors, on the part of this Commonwealth, of President and Vice-President of the United States, shall be appointed.

We rely, with that perfect confidence which the purity and eminence of your Excellency's character, and our past happy experience of the fruits of your abilities, wisdom and virtues, fully authorize, that you will co-operate with the two branches of the Legislature, in such measures as shall tend to render the State respectable; to promote justice among our fellow-citizens, and secure to them a life of quiet and tranquility. We at the same time beg you to accept our assurance, that we will adopt, and faithfully preserve every proper mean to effectuate the same ends.

We, on this occasion, congratulate your Excellency and ourselves, on your re-election to the first executive office of this Commonwealth. We consider that our fellow-citizens, while they have paid a tribute of gratitude to merit, have strikingly evinced their own integrity, independence and discernment, by thus again exalting you to this high station.

*June 11, 1804.*

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### Chapter 9.

RESOLVE FOR ALTERING THE 9TH SECTION OF AN ACT ESTABLISHING THE HARTFORD AND DEDHAM TURNPIKE CORPORATION.

Whereas by the 9th section of an Act entitled “ An Act establishing the Hartford & Dedham Turnpike Corpo-

ration," it is (through mistake) enacted, "That a meeting of said Corporation shall be held at the house of Col. Johnson Mason, in Medfield, on the last tuesday of March next:"

*Resolved*, that a meeting of the said Corporation shall be held at the house of the said Mason on the last tuesday of June instant for the purposes mentioned in the said 9th section of the said Act.

*June 12, 1804.*

### Chapter 10.

RESOLVE ON THE PETITION OF AARON WOODBURY AND DANIEL HOVEY, AUTHORIZING THE ADMINISTRATORS ON THE ESTATE OF PETER TRASK, DECEASED, TO EXECUTE A DEED OF THE LAND MENTIONED.

On the petition of Aaron Woodbury & Daniel Hovey, stating, that Peter Trask late of Sutton in the County of Worcester deceased, did in his life time, contract with the said Woodbury & Hovey to convey to them one half of a certain lot of Land with buildings thereon standing, which he held in common & undivided with them the said Woodbury & Hovey, situate in Bangor in the County of Hancock; that the said Woodbury & Hovey, in the life time of the said Trask, had paid him a valuable consideration therefor, but had not taken a deed of conveyance of the same; and praying that the Administrators of the said Peter Trask's estate may be authorized to convey to them, in fee the said half of said lot.

*Resolved*, That the Administrators on the estate of said Peter deceased, be, and they hereby are authorized & empowered to make & execute a good & sufficient deed of the aforesaid half part of said lot of land, to the said Woodbury & Hovey, they fulfilling the contract, which they made with the said Trask in his life time relating to the same.

*June 13, 1804.*

### Chapter 11.

RESOLVE ON THE PETITION OF EBENEZER RAWSON AND OTHERS, A COMMITTEE IN BEHALF OF THE TOWN OF PARIS.

On the petition of Ebenezer Rawson & others a Committee in behalf of the town of Paris in the County of Cumberland, praying for liberty to sell two public rights of land, which in the original grant of said township were reserved, one for the use of schools, and the other for the

support of the Ministry in said town forever ; and to appropriate the proceeds of said sale for that purpose.

*Resolved* for the reasons set forth in the said petition that the Inhabitants of the said town of Paris, by their agent or Committee, duly authorised for the purpose, be, and hereby are empowered to sell the said two public rights of land & to make & execute good & sufficient deeds thereof to the purchaser and that the net proceeds of the said sale be, and shall forever continue to be vested, in some of the public funds of the United States, or of this Commonwealth or mortgage of real estate, and the Interest arising from the sale of the said School right, shall be applied towards the support of schools, and the Interest arising from the sale of the ministerial right, shall be applied towards the support of the Ministry.

*And it is further Resolved*, that the Clerk of the said town of Paris shall procure from the Secretary of the Commonwealth an attested copy of this Resolve, which shall be carefully kept on file, and shall also record the same at large in the town Records.

*June 13, 1804.*

### Chapter 12.

RESOLVE GRANTING 300 DOLLARS TO CHARLES TURNER, JUN.,  
FOR THE PURPOSES MENTIONED.

*Resolved* that there be paid out of the treasury of this Commonwealth to Charles Turner Junr. Esqr. three hundred Dollars for the purpose of defraying the expenses of Locating & surveying a Township of Land for compensation to Soldiers pursuant to a resolve passed the last session of the Legislature he to be accountable for the same.

*June 13, 1804.*

### Chapter 13.

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE  
LEGISLATURE.

*Resolved*, That their be allowed and paid out of the Treasury of this commonwealth to each member of the Council, Senate, and House of Representatives Two Dollars ~~per~~ day for each day's attendance the present session ; and the like sum for every ten miles distance from their respective places of abode to the place of Setting of the General Court.



*And be it further Resolved* — That there be paid to the President of the Senate, and Speaker of ye House of Representatives, each two dollars pr. day, for each and every day's attendane, over and above their pay as Members.

*June 14, 1804.*

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### Chapter 14.

RESOLVE ON THE PETITION OF ANN S. DAVIES, AUTHORIZING THE COMMITTEE FOR THE SALE OF EASTERN LANDS TO EXECUTE THE DEEDS MENTIONED.

On the Petition of Ann S. Davies praying that the Agents of the Commonwealth for the Sale of Eastern lands may be authorized to give a deed to her and one Ezra Hounsfield of the Township of B. and the surplus, upon payment of the ballance due therefor, for reasons set forth in said Petition.

*Resolved*, That the Committee for the Sale of Eastern Lands be and hereby are authorized and empowered to make execute and deliver sufficient deed or deeds of the Township B. and of its surplus, (heretofore contracted for by Samuel March & Ezra Hounsfield) to said Ann S. Davies Assignee of said March, & to said Hounsfield, upon receiving from said Davies and Hounsfield, the full ballance due on the contracts aforesaid, for said Lands — *provided* the sums of money due therefor be paid into the Treasury of this Commonwealth within thirty days from the passing of this resolve.

*June 14, 1804.*

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### Chapter 15.

RESOLVE ON THE PETITION OF JOHN GREENWOOD, SAMUEL PARIS, AND WILLIAM BARROWS, AGENTS FOR THE TOWN OF HEBRON, CONFIRMING CERTAIN DOINGS.

On the petition of John Greenwood, Samuel Paris & William Barrows, Agents for the town of Hebron, representing that for several years past, the Clerk & Assessors of said town, have not been annually sworn, upon their reelection into office, & requesting that this neglect may not be injurious to the proceedings of said Town of Hebron.

*Resolved* that the past Records and doings of the Town Clerk and Assessors of the said Town of Hebron, be and hereby are confirmed, and made as good and valid in law,

so far only as they wou'd have been, if said Town Clerk & Assessors had been annually sworn as the law directs, upon their reelection into Office — *provided*, that the said Officers, or so many of them as may be living, shall within three Months from the passing of this Resolve, severally make oath before a Justice of the Peace for the County of Cumberland, that they have respectively during all the time of their serving in said offices of Town Clerk and Assessors, performed their duty with fidelity according to their best Judgment — as the law directs — and that a Certificate of said Oaths, shall be within the time aforesaid, recorded with the records of said Town.

*June 14, 1804.*

### Chapter 16.

RESOLVE ON THE PETITION OF WILLIAM ROTCH AND OTHERS, APPOINTING AN ADDITIONAL NOTARY PUBLIC FOR THE COUNTY OF BRISTOL, TO RESIDE IN THE TOWN OF NEW-BEDFORD.

On the petition of William Rotch and others.

*Resolved*, that an additional Notary Public be appointed for the County of Bristol to reside in the town of New Bedford.

*June 14, 1804.*

### Chapter 17.

RESOLVE ON THE PETITION OF THOMAS SEAL AND OTHERS, AUTHORIZING THE GOVERNOR, WITH ADVICE OF COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWN OF FALMOUTH.

On the petition of Thomas Seal & others praying for leave to raise a light infantry Company in the Town of Falmouth County of Cumberland.

*Resolved* — That the Governor, with the consent of the Council be, & is hereby, authorized, & empowered to raise by voluntary enlistment a Company of light Infantry in said Town of Falmouth out of the company in said Town, commanded, by captain Shadrack Chapman, by the name of the Stroudwater light infantry company. To be annexed, to the first Regiment & Second Brigade in the Sixth Division of the Militia of the Comonwealth, and subject to such rules & regulations, as are or may be provided by law for the government of the Militia, of this Comonwealth.

*June 14, 1804.*

### Chapter 18.

RESOLVE ON THE PETITION OF SAMUEL PARRIS, IN BEHALF OF THE TOWN OF HEBRON, DIRECTING THE TREASURER TO CREDIT SAID TOWN WITH AN OVERCHARGE.

Whereas it appears by the Petition of Samuel Parris in behalf of the Town of Hebron in the County of Cumberland, that by a resolve of the General Court of March 2d 1803 there was deducted Six Cents from the last Valuation charged to said Town of Hebron and the same added to the Valuation of the Town of Minot. That in the last tax Act the Town of Hebron, are taxed the same sum as they were before the deduction aforesaid:

*Therefore Resolved* that the Treasurer be and he is hereby directed to credit the said Town of Hebron the sum of Eight dollars which they are Over Charged in the last tax Act.

*June 14, 1804.*

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### Chapter 19.

RESOLVE ON THE PETITION OF BENJAMIN HALL AND OTHERS, A COMMITTEE OF THE MEDFORD TURNPIKE ROAD, AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, AT THE REQUEST OF SAID HALL AND OTHERS, TO APPOINT A COMMITTEE TO APPROVE ROAD WHEN COMPLETED.

On the Petition of Benja. Hall & others, a Committee of the Medford Turnpike Road, praying that the Governor may be authorised to appoint a Committee to approve of said road when completed.

*Resolved*, For reasons set forth in said petition, that the Governor with the advice of the Counsell, at the request of the said Benja. Hall & others, be, and he hereby is, authorised to appoint a Committee, to repair to, and view said road, at the expence of the petitioners, and if they approve the same, as being made conformable to the original Act of Incorporation, to make return thereof to the Clerk of the Court of General Sessions of the Peace for the County of Middlesex, to be by him recorded, any thing in the said Act of Incorporation, to the contrary notwithstanding.

*June 15, 1804.*

**Chapter 20.**

RESOLVE ON THE PETITION OF NATHANIEL ELY, GRANTING TO THE COMMITTEE OF THE TRUSTEES OF THE HAMPSHIRE MISSIONARY SOCIETY, THREE HUNDRED DOLLARS, FOR THE SUPPORT OF TWO INDIAN BOYS.

On the Petition of Nathaniel Ely.

*Resolved* for reasons set forth in said Petition that there be paid out of the Treasury of sd. Commonwealth to the Committee of the Trustees of the Hampshire Missionary Society Three hundred Dollars for the purpose of Supporting & Educating two Indian Boys by the names of Lazau Williams, and John Surwettis Williams — Descendants of the Revd. John Williams formerly a Minister of [of] the Town of Dearfield in the County of Hampshire, sd. Committee to account for the Expenditure of the same.

*June 15, 1804.*

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**Chapter 21.**

RESOLVE PRESCRIBING THE MODE FOR THE CHOICE OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

*Resolved* that the Selectmen of the several towns & Districts and the assessors of the unincorporated plantations in this Commonwealth, shall in manner as the law directs for calling town meetings, cause the Inhabitants thereof, duly qualified to vote for Representatives to the General Court, of this Commonwealth, to assemble on Monday the fifth day of November next, to give in their votes to the said Selectmen or assessors who shall preside at such meetings for nineteen Electors of President and Vice President of the United States, qualified according to the Constitution thereof, whose names shall all be borne on one ticket, and such ticket shall contain the name of at least one Inhabitant of each District for choosing Representatives to the Congress of the United States, established by a law passed March 10th A.D. 1802.

And it shall be the duty of said Selectmen and assessors or a major part of them to reject all such tickets offered to them as shall not contain the names of one Inhabitant at least of each of said Districts and in open town meeting to sort and count the votes and form a list of the names of the persons voted for, and of the number of votes for

each person set against his name, and the town, District or plantation Clerk, shall make a fair record thereof, and said Selectmen or assessors shall make a public declaration of the names of the persons voted for, and of the number of votes, which they respectively may have, and shall seal up a Copy of the said list, certified by the said Selectmen or Assessors & Clerks respectively in open meeting & shall transmit the same to the Office of the Secretary of this Commonwealth, on or before the seventeenth day of said November, and on the nineteenth day of said November the General Court then in Session shall examine said lists & returns and determine and declare who may be elected by a majority of votes: And in case the full number of nineteen electors shall not appear to be chosen, the deficiencies shall be supplied from the several Districts respectively, where they may happen or at large in case there shall be no deficiency in any one District, by joint ballot of the Senate and House of Representatives in the same manner, as vacancies in the Senate of this Commonwealth are by the Constitution thereof directed to be supplied.

*And be it further Resolved*, that his Excellency the Governor, be and hereby is requested forthwith to transmit to each person so chosen an Elector, a certificate of said choice, and the said Electors, are hereby directed and required to meet on the first Wednesday of December, next, at 10 o'Clock in the forenoon, at the State House in Boston, for the purpose of voting for President & Vice-President of the United States according to the Constitution thereof and said Electors shall be allowed and paid the same compensation for their travel and attendance as members of the House of Representatives are allowed.

*And be it further Resolved*, that if the Selectmen of any such town or District or the assessors of any such unincorporated plantation shall neglect or refuse to call such meeting, and therein to perform all the duties required of them by this Resolve, or to transmit the list of Votes of said town District or plantation in manner as aforesaid, to the Office of the Secretary of this Commonwealth on or before the seventeenth day of November next, each of said Selectmen or assessors so neglecting, shall forfeit and pay the sum of thirty dollars to the use of the Commonwealth: *provided* that if the Selectmen or assessors of any town, District or plantation, shall transmit to the Sheriff of the

County in which such town, District or plantation shall be, the list of votes of such town, District or plantation on or before the ninth day of November next, they shall be excused from the penalty aforesaid. And it shall be the duty of the Sheriffs of the several Counties in the Commonwealth to transmit the votes by them respectively received from the selectmen or assessors as herein directed, to the Office of the Secretary of the Commonwealth on or before the seventeenth day of November next — and any Sheriff who shall neglect or refuse to return the list of Votes by him received as aforesaid, within the time aforesaid or to perform any of the duties by this Resolve required of him shall forfeit & pay to the use of the Commonwealth a sum not exceeding two thousand dollars nor less than five hundred Dollars for any such neglect, to be recovered by an action of Debt in the name of the Commonwealth, and the said Sheriffs shall each be allowed and paid out of the Treasury of this Commonwealth the sum of twenty Cents  $\phi$  Mile, computing from the place of abode of each Sheriff to the Secretary's Office, for transmitting said Votes.

*And be it further Resolved*, that if it shall so happen by the death or resignation of any Elector a deficiency of the number of Electors to which this Commonwealth is entitled shall take place, such deficiency may be supplied by joint ballot of the Senate & House of Representatives any time within thirty four days next preceding the first Wednesday of December next. And the Secretary is hereby directed to transmit seasonably to the Sheriffs of the several Counties in this Commonwealth, Copies of this Resolve, for the Selectmen of the several towns & Districts and assessors of the several plantations in such Counties respectively, to be by said Sheriffs transmitted to such Selectmen & Assessors accordingly.

*June 15, 1804.*

## Chapter 22.

RESOLVE ON THE PETITION OF JOSEPH WHITING, JUN., AND PAUL WHITING.

On the Petition of Joseph Whiting Junr. and Paul Whiting.

*Resolved*, For reasons set forth in said petition, that there be paid to the said Joseph Whiting, Junr. & Paul Whiting, out of the Treasury of this Commonwealth the sum of One Hundred Dollars, in full for the rent of said Dam and stream as aforesaid.

*June 16, 1804.*

**Chapter 23.**

RESOLVE ON THE PETITION OF ABNER SAWYER, AUTHORIZING THE EXECUTORS OF BENJAMIN NASON TO EXECUTE A GOOD AND LAWFUL RELEASE OF THE SAW-MILL MENTIONED.

On the Petition of Abner Sawyer, praying that the Executors of the will of Benjamin Nason, late of Biddeford in the County of York, may be empowered to make and execute a release of nine Days or nine twenty fourth parts of a certain saw mill and priviledge thereto belonging, situated on Dennetts falls, so called, lying in Pepperelborough, in the County aforesaid, which said Abner Sawyer contracted with the said Nason for, in his life time and has since paid for, the same as from the certificate of the said Executors doth appear. Therefore,

*Resolved*, that the Executors to the Will of said Benjamin aforesaid, be and they are hereby impowered to make and execute a good and lawful release to Abner Sawyer, before mentioned of nine days or nine twenty fourth parts of the mill aforesaid and the priviledges thereto belonging.

*June 16, 1804.*

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**Chapter 25.\***

RESOLVE ON THE PETITION OF THE SELECTMEN OF CHESTER, APPOINTING A COMMITTEE TO EXPLORE AND LAY OUT A ROAD FROM NORWICH LINE ON AGAWAM RIVER, IN THE COUNTY OF HAMPSHIRE, TO BENJAMIN EASTMAN'S.

On the Petition of the Selectmen of Chester, praying that a Committee may be appointed to explore & lay out a road from Norwich line, on Agawam River in the County of Hampshire, to Benjamin Eastman's.

*Resolved*, for reasons set forth in said petition, that the prayer thereof be granted, & that Silvester Judd, Jonathan Smith Jr., and Edward Taylor Esquires, — be a Committee for that purpose, vested with the same powers which Committees appointed by courts of General Sessions of the Peace are, by law, vested with, in similar cases; the said Committee to be at the expense of the Petitioners, or of the County, as the Court of General Sessions of the Peace for said County may direct.

*June 18, 1804.*

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\* Chapter 24 is a message from the Governor relative to Nicks's Mate, and will be found among the messages.

## Chapter 26.

RESOLVE GRANTING ISAAC RAND 4359 DOLLARS 54 CENTS, BEING THE AMOUNT OF THE JUDGMENT FOR BOTH DAMAGES AND COSTS RENDERED AGAINST HIM IN FAVOR OF MONSIEUR LEPRILETTE.

Upon the Petition of Ebenezer Oliver and Luke Baker, merchants, and Isaac Rand, Physician, all of Boston in the County of Suffolk, shewing that on the thirtieth day of November Anno Domini 1779, Caleb Davis, Ebenezer Wales & Richard Cranch Esqrs. a Committee appointed by the State of Massachusetts Bay, and by the authority of the same State, sold to Samuel Gardner Jarvis and his heirs and assigns, with a general warranty, a certain house and land, situate in Roxbury, of which it was then supposed that Benjamin Hallowell, a Conspirator, had been seized in fee simple, and who had forfeited the same to the said State; that afterwards, on the thirteenth day of July A.D. 1780, the said Jarvis sold the same with general warranty to Peter Fabre his heirs and assigns; that afterwards, on the thirty first day of October A.D. 1786, the said Fabre sold the same with warranty to the said Ebenezer Oliver his heirs and assigns; that afterwards, on the tenth day of May 1787, the said Oliver sold the same, with general warranty, to the said Luke Baker his h[e]irs and assigns; that afterwards, on the fifteenth day of September A.D. 1790, the said Baker sold the same, with general warranty, to the said Isaac Rand his heirs and assigns; that afterwards, on the twenty eighth day of October A.D. 1791, the said Rand sold the same, with general warranty, to Lewis Leprilette his heirs and assigns; that afterwards, at a Circuit Court holden at Boston on the twenty sixth day of October A.D. 1801, the said Leprilette was evicted of the premisses by the judgment of that Court rendered in favour of Ward Nicholas Boylston and others, children and heirs of Mary Hallowell, wife of the same Benjamin Hallowell, the said Benjamin never having been seized of the premisses, but in right of the said Mary; that the said Leprilette has since impleaded the said Rand for not warranting the premisses to him, of which the said Rand by his petition gave notice to the General Court of the Commonwealth, who ordered the Attorney General to defend said Rand in that suit; that the suit has since been tried at the Supreme Judicial



Court, holden at Boston in the County of Suffolk, on the third tuesday of March last, when the said Rand was defended by the Attorney General, and also by other Council he had engaged in his said cause, and upon a full investigation of the cause, it appeared to the Court, that the said Leprillette was rightfully evicted by the said Boylston and others, and judgment was rendered against the said Rand for not warranting the premisses to the said Leprillette in the sum of four thousand two hundred & fifty three dollars and seventy four cents, damages, and one hundred & five dollars and eighty cents, cost of suit: and, therefore, praying the General Court, to cause the execution on that judgment to be satisfied and the said Rand to be reimbursed his necessary expences in defending himself in the same suit.

*Resolved* that the Treasurer of this Commonwealth be, and he is hereby authorised & directed to pay and satisfy to the said Isaac Rand, out of any monies in the Treasury, not otherwise appropriated, the sum of Four thousand three hundred & fifty nine Dollars, & fifty four cents, being the amount of the judgment for both damages & costs, rendered against the said Rand, in favour of the said Le Prillette, at the said Supr[e]me Judicial Court, together with Forty eight Dollars & fifty cents, being the amount of the cost of an execution, which hath been sued out thereon, and the Officers fees on the same; And also one hundred Dollars more for the fees and expences of said Rand in the defence of the said suit, amounting in the whole to the sum of Four thousand five hundred & eight Dollars & four cents. *Provided* the said Rand produce to the said Treasurer satisfactory evidence of his having paid the said execution, and Officers fees, and a receipt or certificate from the Attorney General that his fees for assisting in the defence of the said suit are paid and satisfied by him the said Rand, and also give a discharge of all claims or demands, he has on the Commonwealth on account of the premises.

*June 18, 1804.*

**Chapter 27.**

RESOLVE DIRECTING THE SECRETARY TO PROCURE ON THE MOST REASONABLE TERMS TEN THOUSAND PRINTED AND BOUND COPIES OF THE CONSTITUTIONS OF THE UNITED STATES AND OF THIS COMMONWEALTH, TOGETHER WITH THE DECLARATION OF INDEPENDENCE AND GENERAL WASHINGTON'S FAREWELL ADDRESS, AND DISTRIBUTE SAME AS DIRECTED.

*Resolved*, that the Secretary be, and he is hereby authorized and required to procure on the most reasonable terms in his power, the printing, and binding in a plain and substantial manner, Ten Thousand Copies of the Constitution of the United States and of this Commonwealth, together with the declaration of Independence, and General Washington's farewell address, and that the expence of procuring said Books be paid out of the Treasury of this Commonwealth, and His Excellency the Governor, is requested to draw his warrant on the Treasury for that purpose.

*And be it further Resolved*, that said books when thus procured, be distributed, in such manner as the Legislature may hereafter direct, among the several Towns and plantations, in proportion to the number of the Inhabitants in each Town & plantation in the Commonwealth.

*And be it further Resolved*, that it be, and it is hereby recommended to the Inhabitants of the said Town and plantations to cause the said Books to be read, as a School Book, in all the Common Schools within their respective Towns & plantations.

*June 18, 1804.*

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**Chapter 28.**

RESOLVE CONFIRMING TRANSFER OF A CERTAIN TRACT OF LAND FORMERLY GRANTED TO ROBERT MORRIS BY THIS COMMONWEALTH, SITUATE IN THE COUNTY OF GENESEE, IN THE STATE OF NEW YORK.

Whereas a Treaty was held on the thirtieth day of June in the year of our Lord one thousand eight hundred & two, under the authority of the United States, with the Seneca Nation of Indians, at Buffaloe Creek in the County of Ontario now County of Genesee in the State of New York, and at the said Treaty, in the presence and with the approbation of John Taylor Esquire, a Commissioner of the United States, appointed to hold the same, an Indenture or agree-

ment was entered into, between the said Nation of Indians, and Wilhem Willinke, Pieter Van Eeghen, Hendricke Vollenhoven, Wilhem Willinke the younger, John Willinke the younger (son of Jan) Jan Gabriel Van Staphorst, Roelof Van Staphorst the younger, Cornelis Vollenhoven and Hendrike Seye, by Joseph Ellicot their Attorney; whereby the said nation of Indians did exchange, cede and quit-claim unto the said Wilhem Willinke, Pieter Van Eeghen, Hendrike Vollenhoven, Wilhem Willinke the younger, John Willinke the younger (son of Jan) Jan Gabriel Van Staphorst, Roelof Van Staphorst the younger, Cornelis Vollenhoven and Hendrike Seye, their heirs and assigns, all those several tracts of land, situate in the said County of Genesee and State of New York, “beginning at the mouth of the eighteen mile or Kogh-Quaw-gu Creek, thence a line or lines to be drawn parallel to lake Erie, at the distance of one mile from the Lake, to the mouth of Cataraugos Creek, thence a line or lines extending twelve miles up the north side of said Creek, at the distance of one mile therefrom, thence a direct line to said Creek, thence down the said Creek to Lake Erie, thence along the Lake to the first mentioned Creek and thence to the place of beginning” — “Also one other piece at Cataraugos, beginning at the shore of Lake Erie, on the South side of Cataraugos Creek, at the distance of one mile from the mouth thereof, thence running one mile from the Lake, thence on a line parallel thereto to a point within one mile from the Con-non-dau-we-gea Creek, thence up the said Creek one mile, on a line parallel thereto, thence on a direct line to the said Creek, thence down the same to Lake Erie, thence along the Lake to the place of beginning.” And, in consideration thereof, the said Wilhem Willinke, Pieter Van Eeghen, Hendrike Vollenhoven, Wilhem Willinke the younger, John Willinke the younger (son of Jan) Jan Gabriel Van Staphorst, Roelof Van Staphorst the younger, Cornelis Vollenhoven and Hendrike Seye did, by their said Attorney, exchange, cede, release and quit-claim to the said nation of Indians (reserving to themselves the right of pre-emption) all that certain tract of land situate as aforesaid, beginning at a Post marked No. 0 standing on the bank of Lake Erie, at the mouth of Cataraugos Creek, and on the north bank thereof, thence along the shore of the said Lake, N. 11° E. 21 chains, N. 13° E. 45 chains, N. 19° E. 14 chains 65 links to a Post; thence East one hun-

dred & nineteen chains to a Post; thence South fourteen chains twenty seven links to a Post; thence East six hundred & forty Chains to a Post standing on the meridian between the 8th and 9th Ranges; thence along said meridian South six hundred & seventeen chains seventy five links, to a Post standing on the south bank of Cataraugos Creek; thence West one hundred & sixty chains to a Post; thence North two hundred & ninety chains twenty five links to a Post; thence West four hundred & eighty two chains thirty one links to a Post; thence North two hundred & nineteen chains, fifty links to a Post standing on the north bank of the Cataraugos Creek; thence down the same, and along the several meanders thereof, to the place of beginning;” which several tracts are part of the land, the right of Pre-emption whereof was heretofore ceded by the State of New York to this Commonwealth, and by this Commonwealth afterwards granted to Robert Morris his heirs and assigns, of which said Robert Morris the said Wilhem Willinke & others are the grantees or assigns; & the said Indenture or agreement having, on the twelfth day of January, in the year of our Lord one thousand eight hundred & three, been duly accepted, ratified and confirmed by the President of the United States, by and with the advice and consent of the Senate thereof:

*Resolved*, that the same be, and hereby is, confirmed on the part of this Commonwealth. *June 19, 1804.*

### Chapter 29.

RESOLVE ON THE PETITION OF WALTER FOBES, MOSES HERRICK, AND LEVI DEWEY, DISCHARGING THEM FROM CERTAIN JUDGMENTS AND RECOGNIZANCES.

On the Petition of Walter Fobes Moses Herrick, & Levi Dewey, praying to be releived from certain recognizances by them severally entered into, for the appearance of Samuel Stiles.

*Resolved* for the reasons set forth in said Petition, that upon the said Petitioners paying all costs that have already arisen in such suits as have been commenced on said Recognizances, or on the executions which may have issued on the judgments recovered thereon, they shall be discharged from said Judgments and Recognizances.

*June 20, 1804.*

**Chapter 30.**

RESOLVE ON THE PETITION OF HENDERSON INCHES, PERMITTING HIM TO EXTEND RUSSELL'S WHARF.

On the petition of Henderson Inches praying that he may have liberty to extend the end of a Wharf, lying at the Southeasterly part of the town of Boston called Russells Wharf.

*Resolved* For reasons set forth in said petition, That said Henderson Inches be & he is hereby authorized & permitted to place a stone head, to extend eight feet in thickness from the Easterly corner of said Wharf & increasing in thickness untill it extends twelve feet at the Southerly Corner of said Wharf. *June 20, 1804.*

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**Chapter 31.**

RESOLVE ON THE PETITION OF EUNICE PEIRCE AND JOHN PEIRCE.

On the petition of Eunice Pierce, & John Pierce, administrators on the estate of Ebenezer Pierce, late of Partridgefield, deceased.

*Resolved* that the prayer of the said petition be so far granted that the said Eunice and John as administrators on the estate of Ebenezer Pierce, late of Partridgefield in the County of Berkshire Esq. deceased, be and they are hereby empowered, to make & execute a good and sufficient deed of conveyance to Eleazar Blackman of the four acres of land, being a part of lot No. 70 — described in their said petition, which Deed being duly executed & acknowledged, shall be as good and valid in Law as though it had been executed by the said Ebenezer Pierce in his life time. *June 20, 1804.*

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**Chapter 32.**

RESOLVE ON THE PETITION OF EUNICE JAMES.

Resolve on the petition of Eunice James, administratrix, praying for authority to execute a deed according to the Contract of her late husband.

*Resolved* That Eunice James administratrix of the estate of Benjamin James late of Boston in the county of Suffolk brewer deceased intestate, for the reasons set forth in her

said petition, he and She hereby is authorized to execute & deliver a conveyance to William Green and Thomas Binford their heirs an[d] assigns, of the Title which said Intestate had in the Land described in said petition at his decease, in like manner and to the same legal effect as he could have done had he lived to comply with his said contract.

*June 20, 1804.*

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### Chapter 33.

RESOLVE GRANTING JACOB KUHN 200 DOLLARS.

*Resolved*, that there be allowed and paid out of the Treasury of this Commonwealth to Jacob Kuhn, two hundred Dollars, for the present year; commencing the thirtieth day of May last, to be in addition to the sum allowed him by a resolve of March 26, 1793, establishing the pay of the Messenger of the General Court. *June 20, 1804.*

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### Chapter 34.

RESOLVE ESTABLISHING THE SALARIES OF LIEUTENANT-GOVERNOR, SECRETARY, AND TREASURER, FOR ONE YEAR.

*Resolved* that for one year from the last day of May last, the sum of Five hundred and thirty three Dollars and thirty three Cents, shall be the pay of His Honor the Lieutenant Governor; to be paid out of the Treasury of this Commonwealth, in quarterly payments as the same shall become due.

That there be allowed and paid out of the Treasury of this Commonwealth to John Avery Esqr. Secretary One thousand and forty six Dollars and twenty one Cents, which with four hundred fifty three Dollars & seventy nine Cents he has received in fees before the 31st day of May last, shall be in full for his services as Secretary of this Commonwealth for one year from the first day of June current, being at the rate of fifteen hundred Dollars by the year — to be paid in quarterly payments.

That from the second day of June instant, there be allowed and paid out of the public Treasury the sum of fifteen hundred Dollars to the Treasurer & Receiver General of this Commonwealth, for his pay in that Office for one year — to be paid in quarterly payments.

*June 20, 1804.*

**Chapter 35.**

## RESOLVE ON THE PETITION OF EDWARD FULLER.

On the petition of Edward Fuller, praying to be allowed for his Expences in prosecuting Silas Livermore, for uttering and publishing forged Bank Notes, of a Bank in the State of New Hampshire, of which offence he was convicted, as set forth in the petition—and as it appears this Case was attended with extraordinary circumstances from whence the said Expences arose, therefore,

*Resolved*, that there be allowed and paid out of the Treasury of this Common wealth to Edward Fuller the sum of Forty nine Dollars, to be in full of all the Expences he has been at in prosecuting Silas Livermore for uttering & publishing forged Bank Bills within the town of Boston, of which offence said Livermore was convicted.

*June 20, 1804.*

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**Chapter 36.**

## RESOLVE ON THE PETITION OF SETH HARDEN.

On the petition of Seth Harden of Abington praying for an allowance, for a wound he Receiv'd in a militia Company, at a muster of sd. Company on the 3d Day of May 1803 — by the Discharge of a fire arm by a Soldier in Said Company.

*Resolved*, — that there be allow'd and paid out of the Treasury of this Commonwealth — to the said Seth Harden — the Sum of forty Dollars — for the injury Sustained as aforesaid.

*June 20, 1804.*

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**Chapter 37.**

RESOLVE ON THE PETITION OF WALTER FROST AND OTHERS, AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, TO FORM A COMPANY OF LIGHT-INFANTRY IN THE TOWN OF CAMBRIDGE.

On the Petition of Walter Frost & others, praying for the Establishment of a light Infantry Company, to be raised in the Town of Cambridge, and annexed to the 1st Regt. 1st Brigade, & 3d Division of the Militia of this Commonwealth.

*Resolved* That the Governor, with the advice of Council, be, and he hereby is authorized, to form a Company

of light Infantry to be inlisted in the Town of Cambridge, *provided*, the standing Companies in said Town, shall not, be reduced below the Number of Sixty four rank & file.

And whereas it appears, after this Company shall have been formed, there will be within the limits of the 1st Regt. 1 Brigade, & 3d Division Sixteen Companies of Infantry, which are a sufficient Number for four Battallions :

*Therefore be it further resolved*, That the Governor with the advice of Council, be & he hereby is authorized, to form the said Regt. into four Battallions, to be commanded by a Lieut. Colo. Comdr. & four Majors.

*June 20, 1804.*

### Chapter 38.

RESOLVE ACCEPTING REPORT OF COMMITTEE TO EXAMINE  
AND ADJUST TREASURER'S ACCOUNTS.

*Resolved*, that the Report dated the twenty fifth of May one thousand eight hundred and four, made by Peleg Coffin and John Coffin Jones Esqrs., a Committee appointed by a Resolve of Court, of the sixth of March one thousand eight hundred and four, to examine and adjust the accounts of Jonathan Jackson Esqr., Treasurer of the Common wealth, from the fourth day of June one thousand eight hundred and two, to the thirtieth day of June one thousand eight hundred and three, be and hereby is accepted — and the Secretary is hereby directed, to keep in his Office the said Report, with the accounts settled with former Treasurers.

*June 20, 1804.*

### Chapter 39.

RESOLVE FOR PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RESPECTING AN EQUAL REPRESENTATION IN CONGRESS.

Whereas by the Constitution of the United States, it is provided that Representatives, shall be apportioned among the several states, according to their respective numbers, which shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons ; and further, that for the choice of the President and Vice President of the United States, each State shall appoint a number of Electors, equal to the



whole number of Senators and Representatives, to which the State may be entitled in the Congress.

And Whereas the said provisions were so manifestly unequal, at the time the Constitution was formed, that they could have resulted only from the spirit of conciliation and compromise, which influenced the Eastern States: because in consequence thereof, a representation of the States is produced, unjust and injurious in its operation, both as it regards the number of free Inhabitants in the several States, and their property, as in a State where the slavery of man is established by Law, the Slaves have no voice in the elections, — but a planter possessing fifty slaves, may be considered as having thirty votes, while a farmer of Massachusetts, having equal, or greater property, is confined to a single vote:

And Whereas the effect of these provisions, has been rendered more unequal and injurious, by the course of events, since the Constitution was established, by an augmentation of the number of Slaves, in the Southern States, and also by an increase of personal property in the Eastern States, arising from the commercial spirit of the Inhabitants:

And Whereas the said provisions have been rendered more injurious, by important political changes, introduced during the present administration, in the purchase of Louisiana, an extensive Country, which will require great numbers of slaves for its cultivation, and when admitted into the Union, agreeably to the cession, will contribute by the number of its Slaves, to destroy the real influence of the Eastern States in the National Government; and also in the original mode of electing the President of the United States, whereby in the appointment of that important Magistrate, the right of the small States, (among which are most of the Eastern States,) where there are few or no Slaves, is greatly diminished:

And Whereas the apportionment of the direct taxes, the only compensation, proposed by the Constitution, to the States not holding Slaves, for the aforesaid unequal principle in representation, is now merely nominal, as the National revenues are principally derived from commercial Imposts, the present administration having repealed the excise Laws, which operated in some measure by a Tax, on Luxuries, to equalize among the several States, the Contributions, to the public burthens, and having also recently

assessed additional millions on commerce, of which the Eastern States, must pay much more than their due proportion, so that instead of contributing, less than their proportionate share of public expence, as was contemplated by the Constitution, as a counterpart to unequal representation, they contribute more :

And Whereas a union of the States, a measure so important in its consequences cannot harmoniously exist, for a long period, unless it be founded on principles which shall secure to all free citizens, equal political rights and privileges in the Government, so that a minority of free Citizens may not govern a majority, an event, which on the principles of representation now established, has already happened, and may always happen :

Therefore to preserve the Union of the States, upon sound and just principles, and to establish a foundation for general harmony and confidence among all the Citizens of the United States, by securing to them now, and at all future periods, equal political rights & privileges :

*Resolved* that the Senators of this Commonwealth, in the Congress of the United States be, and they are hereby instructed, to take all proper and legal measures, to obtain an amendment of the Constitution of the United States, so that the Representatives be apportioned among the several States, according to the numbers of their free inhabitants respectively, and for this purpose, that they endeavour to obtain, a Resolution of two thirds of both Houses of Congress, proposing such amendment, to the Legislatures of the several States in the Union.

*And be it further Resolved* that his Excellency the Governor be requested to transmit to each of the said Senators an attested copy of this Resolution.

*And be it further Resolved*, that his Excellency the Governor be requested to inform the chief magistrates of the several States, of the doings of the Legislature of this Commonwealth, and request them to adopt the same measures.

*June 20, 1804.*

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### Chapter 40.

RESOLVE FOR CONTINUING THE RESOLVES OF MARCH 5, AND JUNE 19, 1801, RESPECTING SOLDIERS OF THE LATE CONTINENTAL ARMY, TO MARCH 5, 1805.

Whereas by a resolve of the 5th of March 1801, there were granted two hundred acres of land each for certain

persons therein described, or twenty dollars in lieu thereof; Provided said persons should make application for the same within three years from the date of said resolve — And whereas another resolve passed the Legislature on the 19th day of June 1801, for the purpose of carrying the aforesd. resolve into effect:

Notwithstanding which it appears that a number of persons intended in and by the resolves aforesaid, have not had the benefit to which they were entitled, and the time has elapsed for applying and proving their claims — And whereas the Legislature by a resolve of March 9th 1804, intended to revive the aforesd. resolves of March 5th and June 19th and continue the same in force until the 5th day of March 1805, and it appears upon examination, that the resolve last mentioned is inexplicit and its meaning in a degree doubtful — Therefore,

*Resolved* that the aforesaid resolves of March 5th and June 19th 1801, be and the same are hereby revived and continued in full force until the 5th day of March 1805, in the same manner as though they had not been limited to a shorter period.

*June 21, 1804.*

### Chapter 41.

RESOLVE ON THE PETITION OF ISAAC DAVENPORT, OF MILTON,  
IN THE COUNTY OF NORFOLK.

On the petition of Isaac Davenport of Milton in the County of Norfolk Merchant & administrator of the goods & chattels rights & credits of Robert Vose — late of Cambridge in the county of Middlesex Merchant deceased praying, that he may be authorized & empowered to join with Royal Makepeace of said Cambridge Merchant with whom the said Robert Vose transacted business under the firm of Vose & Makepeace, agreeably to contracts jointly made by the said Vose & Makepeace, in making & executing a good & sufficient deed to Thomas Mason of Cambridge Housewright of a certain peice of Land situate in said Cambridge being the Easterly half of Lot No. 31 on a plan made by order of Samuel Bradford Marshall & by him sold to the said Vose & Makepeace bounded & Measuring Westerly One hundred & Eighty two feet on land sold by said Vose & Makepeace to William Leathe jr. Southerly fifty feet on a back Street forty feet wide, Easterly One hundred & eighty two feet on land of said Vose

& Makepeace & Northerly fifty feet on the causeway of West Boston bridge; & also that he the said Davenport may be authorized to join with the said Makepeace in making & executing a good & sufficient deed, agreeably to the contracts of the said Vose & Makepeace, to Josiah Oaks of said Cambridge housewright of a certain peice of land situate in said Cambridge being the Easterly part of Lot No. 26 as laid down on a plan made by order of Samuel Bradford Marshall & by him sold to the said Vose & Makepeace bounded & measuring Forty feet on the Street leading to Boston & running One hundred & Eighty two feet South to a back Street continuing the same width thro' on his fulfilling & paying the consideration expressed in said contract; & also that he the said Davenport may be authorized to join with the said Makepeace in making & executing according to the joint contract of the said Vose & Makepeace a good & sufficient deed of a certain peice of land situated in said Cambridge being the Easterly half of Lot No. 30 on a plan made by order of Samuel Bradford Esqr. Marshall and by him sold to the said Vose & Makepeace bounded & Measuring fifty feet on the Street leading to Boston & running back one hundred & eighty two feet to another Street, to Benjamin Goodwin & Elijah Nevers both of Boston in the county of Suffolk Masons on their fulfilling & paying the consideration mentioned in said Contract, & also that he the said Davenport may be authorized to join with the said Makepeace in making & executing according to the joint contract of the said Vose & Makepeace a good & sufficient deed of a certain peice of land situate in said Cambridge being the Westerly half of Lot No. 31 on a plan made by order of Samuel Bradford Esqr. Marshall & by him sold to said Vose & Makepeace bounded & measuring Westerly one hundred & eighty two feet on land of said Vose & Makepeace, Southerly fifty feet on a back street, Easterly one hundred & eighty two feet on land sold by said Vose & Makepeace to Thomas Mason & Northerly fifty feet on the causeway leading to Boston, to William Leathe jr. of said Cambridge Baker on his fulfilling & paying the consideration expressed in said contract, on all which contracts the consideration has been in part performed.

*Resolved*, That the said Isaac Davenport be & hereby is authorized & empowered to join with the said Royal Makepeace in making & executing good & sufficient deeds

to the said Thomas Mason, Josiah Oaks, Benjamin Goodwin, Elijah Nevers & William Leathe agreeably to the contracts made with them by the said Vose & Makepeace & of the land therein described & that all money received by the said Isaac Davenport on the said contracts shall be assets in his hands to be accounted for according to law.

*June 21, 1804.*

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### Chapter 42.

RESOLVE ON THE PETITION OF PHINEHAS PARSONS, AUTHORIZING HIM TO SUE OUT A WRIT OF REVIEW ON THE ACTION MENTIONED.

On the Petition of Phinehas Parsons of Northampton in the County of Hampshire yeoman, praying for liberty to review a certain action of Entry upon Disseisin commenced against him by Asa Spalding of Worthington in said County of Hampshire gentn., in which action, at the Supreme Judicial Court holden at said Northampton on the third Tuesday of September in the year of our Lord eighteen Hundred, Judgment was rendered in favour of said Asa to recover seisin & possession of the demanded premises & costs of suit.

*Resolved* for reasons set forth in said Petition, That the said Phinehas Parsons be, and he is hereby authorized to sue out his writ of review on the action aforesaid, & the same, after being duly served at the Supreme Judicial Court next to be holden at Northampton within and for said County of Hampshire in September next, to enter & prosecute to final Judgment and execution — And the said Supreme Judicial Court are hereby authorized to take cognizance of the same, and the said Judgment to reverse or affirm, and proceed therein, in the same manner in all respects, as if the cause aforesaid had been brought before said Court by writ of review sued out within three years from the time of rendering said Judgment — he the said Phinehas filing in said Court an attested copy of the said Judgment and of all the papers in the said cause.

*June 21, 1804.*

**Chapter 43.**

RESOLVE ON THE PETITION OF MARTHA WESTON, OF PLYMOUTH, RELEASING ISAAC C. WESTON FROM A RECOGNIZANCE.

On the petition of Martha Weston of Plymouth in the County of Plymouth, Widow praying, that her Son Isaac C. Weston, resideing at Portland in the County of Cumberland a Minor, may be discharged from a forfeiture of a recognizance as a witness against one N. French, upon which he was defaulted at the Supreme Judicial Court holden at Portland within & for the County of Cumberland on the third tuesday of September last past.

*Resolved*, for reasons set forth in said petition That the prayer thereof be granted & that the said Isaac C. Weston be & he hereby is released from his sd. recognizance he paying all costs.

*June 21, 1804.*

**Chapter 44.**

RESOLVE ESTABLISHING THE PAY OF THE CLERKS IN THE SECRETARY'S AND TREASURER'S OFFICES, FOR ONE YEAR.

On the petition of Edward McLane, first Clerk in the Secretary's Office, stating that the Resolve providing for the pay of the Clerks in the Secretary's & Treasurer's Offices has expired, and praying that a new resolution may be passed more liberal in allowance.

*Resolved* for reasons set forth in said petition, that there be allowed and paid out of the public Treasury, to Edward McLane, and to Edward Cazeneau, Clerks in the Secretary's Office, three Dollars per day, and Samuel Cazeneau, a Clerk in the same office, two dollars & fifty cents per day; and to Joseph Laughton and James Foster Clerks in the Treasury Office, three dollars per day, during the time they have been, or may be, actually employed in said service, from the first day of June present, to the first day of June next.

*June 22, 1804.*

**Chapter 45.**

RESOLVE MAKING AN ESTABLISHMENT FOR WILLIAM GALE, MESSENGER TO THE GOVERNOR AND COUNCIL.

On the petition of William Gale, praying an additional compensation for services.

*Resolved*, for reasons set forth in said petition, that the sum of fifty dollars be allowed and paid out of the Treasury of this Commonwealth to William Gale in addition to the sums heretofore allowed him for services as Messinger to His Excellency the Governor and the Honorable Council; and also for his services as attendant in the office of the Secretary of State.

*Resolved further*, that from and after the thirty first day of May last past, the compensation of the said Gale for the services, which may be by him rendered in the employments aforesaid, shall be two dollars per day — And his Excellency the Governor is requested to draw his warrants pursuant to this Resolve.

*June 22, 1804.*

### Chapter 46.

RESOLVE ALLOWING THE COUNTY TREASURERS' ACCOUNTS FOR THE COUNTIES OF BRISTOL, MIDDLESEX, AND PLYMOUTH.

Whereas the [the] Treasurers of the following Counties have laid their Accounts before the General Court for examination, which accounts have been examined and Allowed; and whereas the Clerks of the Courts of General Sessions of the Peace for the said Counties, have exhibited estimates, made by the said General Sessions of the Peace, of the Necessary charges likely to arise within the said several Counties for the year ensuing, and of the sums necessary to discharge the debts of the said Counties:

*Resolved*, That the sums contained in the following schedule, be, and the same is hereby granted, as a Tax for each County respectively, to be Appropriated Assessed, paid, collected, and applied, for the purposes aforesaid according to Law.

Middlesex Six thousand eight hundred dollars.

Plymouth one thousand two hundred dollars.

Bristol one thousand two hundred fifty dollars.

*June 22, 1804.*

### Chapter 47.

RESOLVE MAKING ALLOWANCE OF 700 DOLLARS TO JACOB KUHN.

*Resolved*, that there be allowed and paid out of the treasury of this Commonwealth, to Jacob Kuhn, messenger of the General Court, the sum of Seven hundred Dollars, to enable him to purchase fuel and such other articles as may be necessary for the use of said Court; he to be accountable for the expenditure of the same.

*June 23, 1804.*

**Chapter 48.**

RESOLVE ON THE APPLICATION OF THE TOWN OF MOUNT WASHINGTON, EXEMPTING THEM FROM PROCURING BEAMS, WEIGHTS, AND MEASURES.

Upon the application of the Town of Mount Washington, in the County of Berkshire stating that the peculiar situation thereof renders it at present inexpedient & unnecessary that sd. Town should be obliged to procure the Beams, Weights & Measures required by the laws of this Commonwealth.

*Resolved*, That The said Town of Mount Washington shall be, & hereby is exempted & excused from purchasing & procuring said Beams, Weights & Measures; & the inhabitants of sd. Town are hereby authorized & required to procure their Beams, Weights & Measures to be sealed in the Town of Sheffield in sd. County, in the same manner, & under the same regulations, as the same might & ought to have been done in the sd. Town of Mount Washington before the passing of this Resolve — any law or resolve to the contrary notwithstanding.

*June 23, 1804.*

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**Chapter 49.**

RESOLVE GRANTING 3000 DOLLARS FOR SECURING THE PRESERVATION OF THE ISLAND CALLED NICKS'S MATE, IN BOSTON HARBOUR.

Whereas the Island called Nicks's Mate, in the harbour of Boston, is likely to be washed away in the course of the present season, and being an essential land mark for direction of Vessels coming in and going out of the harbour of Boston — it is necessary the remains of said Island should be secured the present summer: Therefore,

*Resolved*, that there be allowed and paid out of the Treasury of this Common wealth, a sum not exceeding three thousand Dollars to the Treasurer of the Marine Society in Boston he to be accountable for the same — to be appropriated under the direction of such Superintendent as his Excellency the Governor with the advice of Council may appoint — and said Superintendent when so appointed, is hereby authorized to contract for the building a sufficient and permanent Stone Wall on said Island called Nicks Mate in the harbor of Boston, so as to secure and preserve the



remainder thereof, from being wash'd away by the Sea — And after the work aforesaid, is completed, his Excellency the Governor is hereby requested, to transmit the Accounts of the Cost of securing said Island, as aforesaid, to the Representatives of this Commonwealth in Congress, to be laid before that body, for their allowance and payment.

June 23, 1804.

### Chapter 50.

RESOLVE GRANTING MONEY TO THE QUARTER MASTER GENERAL FOR CERTAIN PURPOSES.

*Resolved* that there be allowed and paid out of the Treasury of this Commonwealth, to Amasa Davis, Quarter Master General the several sums hereafter mentioned & for the purposes herein directed, the Quarter Master to be accountable for the same, for which His Excellency the Governor is requested to issue his warrants on the Treasury vizt. For the repair of nineteen Gun Houses in various parts of the Commonwealth Eight Hundred Dollars; also One Hundred Dollars for the repair of the Powder Magazine in Charlestown; Also three Hundred Dollars for the purpose of building a new Boat, for the use of Hospital Island.

*And be it further resolved*, that the Quarter Master be authorized to dispose of the Schooner Hancock now used as a boat at said Island & appropriate the proceeds to the building of the new Boat for the use thereof.

*And be it further Resolved*, that in cases of a deficiency of Standards the said Quarter Master General be authorized to furnish at his discretion those Battalions and Companies of Artillery or Cavalry, so circumstanced whenever the Brigadier General of any Brigade shall certify that the said deficiency does not arise from neglect: *provided nevertheless* that they do not exceed the expence of fifteen dollars each.

*And be it further Resolved*, that the Quarter Master General be authorised to procure two pair of Brass field pieces with their necessary apparatus in order to supply the deficiency now existing.

June 23, 1804.

**Chapter 51.**

## RESOLVE GRANTING EXTRA PAY TO THE COMMITTEE ON ACCOUNTS.

*Resolved* that there be paid out of the public Treasury of this Commonwealth, to the several members of the Committee, appointed to examine and pass on accounts, presented against the State, for their attendance, on that service, during the present session, the sums annexed to their names respectively, in addition to their pay as members of the Legislature, viz. To the hon. Isaac Thompson for sixteen days attendance, at sixty cents per day nine Dollars sixty cents. To the hon. Tho. Hale for seventeen days attendance ten Dollars twenty cents — to Bezaleel Taft Esq., for seventeen Days attendance ten Dollars twenty cents. To Stephen Monro Esq. for fourteen days attendance eight Dollars forty cents. To Joseph Titcomb Esq., for seventeen days attendance ten Dollars twenty cents, which sums shall be in full for their respective services aforesaid.

*June 23, 1804.*

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**Chapter 52.**

## RESOLVE GRANTING 100 DOLLARS TO THOMAS WALLCUT.

*Resolved* that there be allowed & paid out of the Public Treasury, to Thomas Wallcut for his services as a writer for Members of the General Court, One hundred Dollars he to be accountable for the said sum.

*June 23, 1804.*

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**Chapter 53.**

## RESOLVE FOR PAYMENT OF THE CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

*Resolved* that there be allowed and paid out of the Public Treasury to Wendell Davis Esqr. Clerk of the Senate one hundred & fifty dollars, and to Nicholas Tillinghast Esqr. Clerk of the House of Representatives one Hundred & fifty dollars, on account of their Services as Clerks aforesaid, for the present year, they to be accountable for the Same respectively.

*June 23, 1804.*

**Chapter 54.**

RESOLVE FOR PAYMENT OF THE ASSISTANT CLERK OF THE SENATE.

*Resolved* that there be allowed and paid out of the public Treasury, to Samuel F. McCleary, assistant Clerk of the Senate, one hundred Dollars on account of his services as Clerk as aforesaid, for the present year, he to be accountable for the same.

*June 23, 1804.*

**Chapter 55.**

RESOLVE GRANTING PARK HOLLAND, LATE AGENT IN BEHALF OF THE COMMONWEALTH, 35 DOLLARS, 17 CENTS, FOR SERVICES PERFORMED BY HIM.

On the Memorial of Park Holland, late agent in behalf of the Commonwealth for the preservation of Masts &c.

*Resolved*, for reasons set forth in said memorial That thirty five dollars & seventeen Cents be paid out of the Treasury to the said Park Holland, in full of the Ballance of his Account, for services performed by him, as agent aforesaid.

*June 23, 1804.*

**Chapter 56.**

RESOLVE DISCHARGING THE AGENTS FOR BUILDING THE STATE PRISON, OF A SUM OF MONEY, AND GRANTING THEM COMPENSATION FOR THEIR SERVICES.

Whereas His Honor Edward H. Robbins Esqr. Peleg Coffin, Jonathan Hunnewell, and Charles Bulfinch esqrs., Agents for building the State Prison have exhibited their Accounts of the expenditures in their sd. Trust, up to the 26th day of may last, amounting to seventy thousand Dollars — which accounts have been duly examined and found to be well vouched and right cast: Therefore

*Resolved*, that the said Agents be and they hereby are discharged from said sum of seventy thousand Dollars, being the Amount of the Appropriation made by a Resolve of the 23d day of June 1802.

*And be it further resolved*, that there be and hereby is granted to said Agents the sum of Twenty One hundred Dollars being three per Centum on the Amount of the sum expended as aforesaid, in full for their Services to the said 26 day of May. And they are hereby Authorized to recieve the said sum of Twenty One hundred Dollars to their Own use from the monies last appropriated to build said Prison.

*June 23, 1804.*

## Chapter 57.

RESOLVE GRANTING HIS HONOR, LIEUT. GOVERNOR ROBBINS, 190 DOLLARS, FOR NEGOTIATING PURCHASE OF LAND FOR THE STATE PRISON AND FOR MONEY ADVANCED.

Whereas His Honor Edward H. Robbins Esqr. hath represented that he did apply one hundred & six Dollars of his Own Money in negotiating the purchas of the Land in Charlestown whereon to erect the State Prison in the year 1800 — and did devote his time in examening the title removing incumbrances and Compleating said Purchas previous to his appointment as agent to build said Prison for which he hath not received any Compensation : Therefore

*Resolved* that there be allowed and paid out of the Public Treasury of this Commonwealth, to His Honor Edward H. Robbins, Esq. the sum of one Hundred & Ninety dollars in full for the Money he advanced & the Commission for the Purchas of the said Lot — before his appointment as agent aforesaid.

*June 23, 1804.*

## Chapter 58.

PAY ROLL, NO. 51.

The Committee on Accounts, having examined the several accounts they now present ;

*Report*, that there are due to the Corporations and persons hereafter mentioned, the sums set to their names, respectively ; which when allow'd and paid, will be in full discharge of the said accounts, to the several dates therein mentioned.

which is respec[t]fully submitted,

ISAAC THOMSON, *per Order.*

*Pauper Accounts.*

Towns.	Dolls. Cts.
Abington, to boarding & clothing Margaret Benner to June 1, 1804 . . . . .	20 97
Almsbury, for supporting Jonathn. Sidwell to May 18, 1804 . . . . .	59 70
Andover, for boarding, clothing & nursing Patrick Kalam to 1 May 1804, & Dinah Scipio to the time of her removal out of ye State including expense of removal .	174 92
Ashburnham, for supplies for John Franklin & his wife, including Docters Bills to March 2, 1804 . . . . .	32 32

Towns.	Dolls.	Cts.
Boston, to boarding & clothing sundry Paupers to 1 June 1804 . . . . .	4065	88
Brookfield, to boarding & clothing Luke Phinney, Cato Kinn, William Johnson, to May 23, 1804 & George Thompson to the time of his Death, including Doctors bills & funeral charges . . . . .	106	43
Barre, for boarding & clothing John C. Dandrich to June 3, 1804 . . . . .	24	25
Boothbay, for boarding & clothing John Hoskins to 1 June 1804 . . . . .	104	00
Buckland, for boarding, cloathing & docktering John Wilkie to 17 May 1804 . . . . .	73	76
Boxborough, for boarding & clothing John Kennedy to June 1, 1804 . . . . .	36	51
Belchertown, for boarding, clothing, nursing & doctering Ephm. Shubrooks to 1 February 1804 including Funeral charges . . . . .	13	50
Blanford, for boarding, doctoring, & funeral charges, for James Curtis to March 21, 1804 . . . . .	31	42
Cheshire, for boarding & Doctg. Ephm. Richardson to May 23, 1804 . . . . .	77	34
Charlemont, for boarding & clothing Abraham Bass to June 1, 1804 . . . . .	22	53
Colerain, for boarding & clothing William Osborn to 19 February 1804, & Willm. Wilson & Rachel Carr to 21 May 1804 . . . . .	74	81
Cape-Elizabeth, for boarding, clothing & Doctg. Betty Carrol, James Ramsbottom, & George J. Hays, to May 23, 1804 . . . . .	89	70
Cambridge, for boarding & clothing Sarah Ellis, to June 27th 1803, & Peggy Condon, to March 31, 1804 including funeral Charges & Doctors bills . . . . .	88	54
Carlisle, for boarding & clothing Mathew Jemmerson & Robert Barber to June 9th 1804 . . . . .	50	61
Dunstable, for boarding clothing & doctoring, Margaret Lane to 6 June 1804 . . . . .	81	00
Dover, for boarding & nursing Patrick Cowen to June 12, 1804 . . . . .	29	75
Dracont, for boarding, nursing, & doctoring James Corbet to June 19, 1804 . . . . .	13	75
Franklin, for supporting Alexr. Reed, to 26 May 1804 . . . . .	103	00
Const. Freeman, Keeper of the Alms House in Boston, in full for his Services to 1 June 1804 . . . . .	307	54
Granville, for supporting, & doctorg. Jonathn. Parker to 12 May 1804 . . . . .	18	04
Gardner, for boarding, doctoring, & burying Will. Richardson . . . . .	60	48
Goshen, for Doctering Miriam Lampiere to October 8, 1803 . . . . .	11	70
Gorham, for boarding & clothing Robert Gilfilling to 25 May 1804 . . . . .	87	50
Gill, for boarding & clothing Peter Mange, & Sarah Hamlington to May 28, 1804 . . . . .	31	17
Granby, for boarding, clothing & Doctoring Ebenezer Darwin, & John Murray to 28 May 1804 . . . . .	62	06
Grafton, for boarding & clothing James Cook to 14th March 1804 . . . . .	75	47

Towns.	Dolls. Cts.
Gloucester, for boarding, clothing & Doctoring Sundry Paupers to 10th May 1804 . . . . .	958 62
Greenwich, for supplies for John Harrington & family, & doctoring, to 25 May 1804 . . . . .	49 55
Hadley, for boarding Mary Battis, to the time of her death including Doctors bills & funeral Charges . . . . .	20 54
Joseph Hodgkins keeper of the House of Correction in Ipswich, for boarding & Clothing Sundry paupers to June 7th, 1804, including allowance made by the Court of Sessions to 21 March 1804 . . . . .	596 98
James Jackson, for Doctoring State paupers in the Alms House in Boston to May 15th 1804 . . . . .	400 00
Ipswich for boarding, clothing & Nursing Hannah Parker & her child to June 11th 1804 . . . . .	102 00
Long Meadow, for Supporting John Spender & James Robbins to 26 May 1804 . . . . .	18 00
Lanesborough, for boarding & clothing, Dent Harrison to 3 May 1804 . . . . .	21 45
Lenox, for Supporting John Howe to 23 February 1804 & Christian Crow & Abram. Palmer to 31 May 1804 . . . . .	69 65
Lincolnvile, for boarding, clothing, nursing & Doctoring Isabella Woodbury to January 20, 1804 & Alexander White to 29 May 1804 . . . . .	150 00
Montague, for supporting Joshua Searl to May 22 1804 . . . . .	20 58
Marshfield, for supporting Peggy Mitchell to 20 Novr. 1804 . . . . .	14 00
Milford, for boarding & clothing Ebenr. Torrey to January 18th 1804 . . . . .	71 94
Malden, for boarding & Clothing Mary, a negro, to 12 June 1804 . . . . .	23 75
Norton, for boarding & Clothing Joseph Pratt to 23 May 1804 . . . . .	81 97
Newbury, for boarding, clothing & doctoring sundry paupers to 1 June 1804 . . . . .	606 28
Newburyport, for boarding, clothing, & Doctoring sundry paupers to 1 June 1804 . . . . .	757 75
Nantucket, for supplies for sundry paupers including Doctors bills to 25 May 1804 . . . . .	75 65
Palmer, for boarding & Clothing William Mendum to the 28 May 1804 . . . . .	24 22
Pepperelborough, for boarding Elizabeth Carew to 20 May 1804 . . . . .	104 00
Portland, for boarding & clothing Susannah Thomas, Vincent Hind his Wife & Child to 2 June 1804 . . . . .	125 50
Raynham, for boarding, nursing & doctoring Joseph Boodery including funeral charges . . . . .	27 82
Richmond, for boarding & doctorg John Hows, including funeral charges . . . . .	8 00
Roxbury, for boarding, Clothing, nursing, & Doctoring Sundry Paupers to 1 June 1804 including funeral charges . . . . .	524 75
Swansea, for boarding, clothing & nursing Deborah Blinkins & Mary Robbins' Child to 26 May 1804 & Esther Church to her Death, including funeral charges . . . . .	33 93
South Brimfield, for boarding & Doctoring John Wakeley to 1 April 1804 . . . . .	25 00
Scarborough, for supporting Cornelius Perry, to 6 May 1804 . . . . .	51 29

TOWNS.	Dolls.	Cts.
Standish, for boarding & Clothing Ellis Noble to 18 May 1804 . . . . .	49	80
South Hadley, for supplies for Peter Pendergrass to 2 April 1804 . . . . .	5	27
St. George, for boarding & doctoring Robert Hawes to 20 May 1804 . . . . .	21	00
Salem, for boarding & Clothing sundry paupers to 5 June 1804 . . . . .	734	57
Tisbury, for boarding, nursing & doctoring Samuel Adderton to 1 August 1803 . . . . .	55	90
Taunton, for boarding, Clothing & doctoring Hiram McCarrick Edmund Shores, Henry Ash, George Hazard & Sally Vallance to 7 June 1804 . . . . .	112	75
Washington, for boarding & Clothing Phebe Clark to 23 May 1804 . . . . .	78	50
Wrentham, for boarding, clothing & Doctoring Joseph Tredwell & three Children to 10 April 1804, & supplies & funeral Charges for Joseph Beck & Doctors bills for said Beck . . . . .	72	41
Windsor, for boarding Henry Smith & wife to 28 May 1804 . . . . .	35	18
Westfield, for boarding, clothing & Doctoring & funeral charges for James Dewell . . . . .	41	28
Worcester, for boarding, clothing & doctoring for Joseph King, Peter Willard, & Luke Durfee to 1 June 1804, & supplies for James Campbell & Jack Melvin . . . . .	142	50
Westborough, for boarding, Clothing, nursing & doctoring John Scudamore to 11 June 1804 . . . . .	39	98
West Springfield, for boarding, clothing & Doctoring William Bell, Godfrey Waggoner & Anne Pattey to 24 May 1804 . . . . .	87	91
Williamston for boarding & Clothing Rachel Galusha & Morris Fowler to 11 June 1804 . . . . .	42	10
York, for boarding & clothing Edward Perkins & Wife, Mrs. Crocker, Jacob Bickum & Mary Perkins to 8 June 1804 including doctors bills . . . . .	132	45
Total pauper Acct. . . . .	12643	47

*Militia Accounts.**Courts Martial and of enquiry, &c.*

	Dolls.	Cts.
To A Court Martial whereof Major Joseph Wallace Junr. was President, held in the Town of Columbia on ye 10 April 1804 . . . . .	86	21
To A Guard attending a Court Martial held at Dedham the 21 & 22 June 1803, at the tryal of Brigade Major Timothy Whiting . . . . .	28	24
To A Guard attending at a Court Martial, held at Cambridge on the 20th April 1803, for the tryal of Lieut. Coll. Jeduthun Willington . . . . .	59	49

*Aid-de-Camp and Brigade Majors.*

To James Ayer Junr. for services to 12 June 1804 . . . . .	13	22
To Ezekiel Bacon for services to 1 June 1804 . . . . .	19	10
To Josiah Harris for services to 7 June 1804 . . . . .	22	60

	Dolls.	Cts.
To William Jefferds for services to 10 February 1804 . . .	86	75
To William Jackson for services to 31 May 1804 . . .	30	31
To Sampson Wood for services to 3 May 1804 . . .	55	50

*Adjutants Accounts.*

To Willard Boyd for services to 15 June 1804 . . .	30	46
To Abner Bagley for services to 10 January 1804 . . .	10	84
To Elihu Cutler for services to 1 January 1804 . . .	8	62
To John Carter for services to 1 January 1804 . . .	20	00
To David Dana for services to 15 June 1804 . . .	6	35
To Jesse Davenport for services to 1 June 1804 . . .	16	66
To Abner Harmon for services to 1 January 1804 . . .	19	33
To Ebenezer Heath for services to 9 June 1804 . . .	36	65
To Joseph Kellogg for services to 30 May 1804 . . .	15	47
To William Lane for services to 16 February 1804 . . .	8	86
To Herbert Moors for services to 11 June 1804 . . .	14	14
To Samuel Partridge for services to 2 June 1804 . . .	16	16
To Ebenezer Trask junr. for services to 2 February 1804 . . .	11	39
To Jason Ware for services to 12 June 1804 . . .	15	75

*Expense for Horses to haul Artillery.*

To Christopher Cushing for services by Horses to 4 Jany. 1804 . . .	6	25
To David Hartshorn for services by horses to 5 Octr. 1803 . . .	5	50
To Nathan Smith for services by horses to 31 Octr. 1803 . . .	5	50
To Clark Wilson for services by horses to 1 June 1804 . . .	6	50

Total Militia Accts, . . . . .	655	85
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*Goalers Accounts for supporting Convicts.*

	Dolls.	Cts.
To Oliver Hartshorn, keeper of the Goal in Boston, to Dieting & Bedding for sundry Convicts to 6 June 1804 . . .	341	24
To Nathan Heard, keeper of the Goal in Worcester, to Dieting & nursing Eli Page—to 30 May 1804 . . .	35	33
To Joseph Barrett, under keeper of the Goal in Concord, to Dieting & nursing sundry Convicts to 17th June 1804 . . .	175	32

Total Convicts Accts. . . . .	551	89
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*Sheriffs' Accounts.*

	Dolls.	Cts.
To Edmund Bridge for services to 27 May 1804 . . .	14	56
To Ebenezer Mattoon for services to 1 June 1804 . . .	8	00

Total Sheriffs Accts. . . . .	22	56
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*Printers Accounts.*

	Dolls.	Cts.
To Babson & Rust for publishing Acts & Resolves to 1 June 1804 . . .	16	67
To Thomas C. Cushing for publishing Acts & Resolves to 1 June 1804 . . .	16	67
To William Carlton for publishing Acts & Resolves to 1 May 1804 . . .	16	67
To John Dennio for publishing Acts & Resolves to 1 June 1804 . . .	16	67



	Dolls.	Cts.
To Peter Edes for publishing Acts & Resolves to 6 June 1804 . . . . .	16	67
To Sewall Goodrich for publishing Acts & Resolves to 1 June 1804 . . . . .	16	67
To Abraham Sherman Junr. for publishing Acts & Resolves to 1 June 1804 . . . . .	16	67
To Young & Minns, printers to the Government, for printing, finding Paper &c. to 16 June 1804 . . . . .	1485	51
Total Printers' Accts. . . . .	1602	20

*Miscellaneous Accounts.*

	Dolls.	Cts.
To the Guardians of the Dudley Indians, for a ballance due them in full to May 1804, which sum the Treasurer is directed to charge said Indians with, and to be deducted from the Sum due to them from the Commonwealth . . . . .	93	25
To Joseph Bennet for sundry repairs on the State House to 4th February 1804 . . . . .	12	25
To Norton Brailsford for Repairing & cleaning State House windows to 12 June 1804 . . . . .	41	32
To the honorable. Peleg Coffin & John Coffin Jones, for examining and adjusting the accounts of the Treasurer & Receiver General of the Commonwealth to May 30 1804 . . . . .	70	00
To William Homer for sundry repairs for State House to May 23, 1804 . . . . .	23	41
To Jonathan Hastings for postage public Letters to 12 June 1804 . . . . .	55	62
To Jacob Kuhn, Messenger to the General Court, for the Ballance due him for monies expended, over and above the sums granted to him by the Resolves of 22 June 1803, & January 20th & February 24, 1804 . . . . .	301	79
To Sylvanus Lapham for assisting the Messenger of the General Court, twenty four days . . . . .	42	00
To John Milliquot for Stationary for Secretarys Office, to June 6, 1804 . . . . .	63	32
To James Thompson, for Repairs to the State House to June 7th 1804 . . . . .	44	25
To West & Greanleaf, for stationary for Treasurers Office, to April 17, 1804 . . . . .	95	30
To Francis Le Barron Goodwin, Agent for the Penobscot tribe of Indians for his services to 10th June 1804 . . . . .	60	00
Total Miscellaneous Accts, . . . . .	902	51

*Aggregate of Roll No. 51.*

Expense of State Paupers, . . . . .	12643	47
do. Militia, . . . . .	655	85
do. Convicts, . . . . .	551	89
do. Sheriffs, . . . . .	22	56
do. Printers, . . . . .	1602	20
do. Miscellaneous, . . . . .	902	51
Total Amount . . . . .	16378	48

*Resolved*, that there be allow'd and paid out of the public Treasury, to the several Corporations and persons mentioned in this Roll, the sums set against such Corporations and persons names respectively, amounting in the whole to sixteen thousand three hundred & seventy eight dollars and forty eight cents, the same being in full discharge of the accounts and demands to which they refer.

*June 23, 1804.*

# RESOLVES, ETC.

OF THE

## GENERAL COURT OF MASSACHUSETTS.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON *THURSDAY*, THE FIFTEENTH DAY OF *NOVEMBER*,  
*ANNO DOMINI* 1804.

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1804. — NOVEMBER SESSION.

ANSWER OF THE SENATE TO THE GOVERNOR'S SPEECH AT  
THE OPENING OF THE SESSION.

*May it please your Excellency,*

It being the great object of the present Session of the Legislature, to determine and declare the choice of Electors of President & Vice President of the United States, on the part of this Commonwealth; and if the choice is not perfected by the votes of the people, to complete the same; your Excellency may be assured, that in executing that trust the Senate will be governed by the single motive of love to their Country.

The letter of the Secretary of State, relative to the amendment in the Constitution, and the communication of the Quarter Master General, touching the buildings on Hospital Island, shall receive that attention, which they respectively merit: And should any other business of importance, during the present session occur, the Senate will cheerfully co-operate, with your Excellency, in all such measures as the public good may require.

*November 17, 1804.*

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ANSWER OF THE HOUSE OF REPRESENTATIVES TO THE GOVERNOR'S SPEECH AT THE OPENING OF THE SESSION.

*May it please your Excellency,*

The House of Representatives, at their last meeting, being sensible of the inconveniences, which would arise

from a long Session, at this season of the year, referred most of the unfinished business, to the third Session of the present General Court; it is therefore presumed that few matters will at this time, urgently claim the attention of the House.

Should it appear that the People, have not completed the choice of Electors of President & Vice President of the United States, the trust, which in that event, is committed to the two branches of the Legislature, we hope will be executed with a single view to the welfare and honor of the United States.

We beg your Excellency to be assured that this House will pay due attention to all matters, which you have been pleased to suggest for our consideration.

A review of your Excellency's past conduct gives us the fullest assurance of your Excellency's readiness to co-operate with us in all measures which the public good may require.

*November 17, 1804.*

### Chapter 59.

RESOLVE ON THE PETITION OF ISAAC HASTINGS, AUTHORIZING THE SELECTMEN OF THE TOWN OF LEXINGTON TO CALL A MEETING FOR THE CHOICE OF A COLLECTOR.

On the Petition of Isaac Hastings, Agent for the Town of Lexington, setting forth that at the annual March meeting in March last, the said Town, chose a Collector of Taxes, but the Town Clerk removing from the Town, without recording the same, whereby no Collector of record appears to be chosen, & praying to be authorised to call a Town Meeting for the choice of a Collector for the present year.

*Resolved* for the reasons set forth in said petition, that the Select Men of the Town of Lexington are hereby authorised to call a Meeting for the choice of a Collector for said Town any time in the Month of November instant, or December next, they complying with the Law for calling Town Meetings for the choice of Town Officers, any thing in the Law to the contrary notwithstanding.

*November 17, 1804.*

### Chapter 60.

RESOLVE APPOINTING A COMMITTEE TO EXAMINE THE TREASURER'S ACCOUNTS.

*Resolved* that the Hon. Peleg Coffin, & William Smith, Esqrs. be a Committee to examine & adjust the Accounts

of Jonathan Jackson Esqr. Treasurer of the Commonwealth, from the first Day of July 1803, to the 30th Day of June 1804, inclusive, And the sd. Committee are directed & empowered to deface all notes & Due Bills, Orders & other Obligations, issued under the authority of this Commonwealth by any Officer thereof, that have been redeemed by the Treasurer during the time aforesaid; & to Report an account of their proceedings at the next Session of this General Court.

*November 17, 1804.*

### Chapter 61.

RESOLVE AUTHORIZING THE QUARTER MASTER GENERAL TO BUILD A BARN ON HOSPITAL ISLAND.

*Resolved* that the Quarter Master General be, and hereby is directed, to cause to be erected, at the expense of the Commonwealth, on Hospital Island, a sufficient Barn of wooden Materials, of such dimensions as he shall judge necessary and convenient to accomodate the Stock kept on that Island.

*November 19, 1804.*

### Chapter 62.

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE GENERAL COURT.

*Resolved* That there be allowed and paid out of the Treasury of this Commonwealth to each member of the Council Senate and House of Representatives two dollars per day for each days attendance the present Session, and the like sum for every ten miles distance from their respective places of abode to the place of setting of the General Court.

*And be it further resolved* that there be paid to the President of the Senate and Speaker of the house of Representatives each, two dollars per day for each and every days attendance over and above their pay as members.

*November 20, 1804.*

### Chapter 63.

RESOLVE GRANTING 200 DOLLARS TO WILLIAM GALE TO PURCHASE FUEL AND OTHER ARTICLES.

*Resolved* that there be allowed and paid out of the Treasury of this Commonwealth to William Gale Messenger to the Governor & Council the Sum of Two Hun-

dred Dollars to enable him to Purchase Fuel and other Necessary Articles for the Council Chamber & Secretarys Office, he to be Accountable for the expenditure of the Same.

*November 20, 1804.*

### Chapter 64.

RESOLVE GRANTING TO CHARLES TURNER, JUN., ESQ., 533 DOLLARS AND 5 CENTS, FOR SURVEYING SOLDIERS' LANDS.

*Resolved* that there be allowed and paid out of the Treasury of this Commonwealth to Charles Turner Junr. Esqr. who hath been appointed by the Governor with the advice of the Council to survey and Lay out a Township of Lands on the Eastern boundaries of this Commonwealth for Certain soldiers that served in the Late Continental Army agreeably to a Resolve passed on the ninth day of March Last the sum of five hundred thirty three dollars and five Cents which is in full of the balance due to him on his account for his services and Expenditures in surveying and Laying out said Township of Lands—after deducting the three hundred dollars granted to him by a Resolve passed the thirteenth day of June last.

*November 20, 1804.*

### Chapter 65.

RESOLVE ON THE PETITION OF JONATHAN SARGEANT, AUTHORIZING HIM TO ENTER AN APPEAL IN THE SUPREME COURT OF PROBATE AT WORCESTER.

On the Petition of Jonathan Sargeant, praying for liberty to enter an appeal from a decree of the Judge of Probate of Wills &c. for the County of Worcester made at a Probate Court holden in May 1804, wherein the said Judge, on the Petition of John Southgate & Timothy Sprague, ordered the said Sargeant to be placed under Guardianship, from which decree the said Sargeant appealed to the then next Supreme Court of Probate to be holden within & for said County, but thro' misunderstanding failed to pursue the provisions of Law in such cases.

*Resolved* for reasons set forth in said Petition, that the said Sargeant be and he hereby is authorized to enter his said Appeal in the Supreme Court of Probate, next to be holden at Worcester within and for said County of Worcester on the third Tuesday of April next—and the said Court

are hereby authorized & empowered to hear, try & determine the same, in the same manner, as tho' the said appeal had been duly prosecuted & entered at the term of said Supreme Court of Probate to which said appeal was made. *Provided however*, that the said Sargeant cause an attested Copy of this resolve, & also an attested Copy of the reasons for his said appeal filed in the Probate Office of said County, to be served on the said Southgate & Sprague thirty days at least before the said third Tuesday of April next, and produce at the said term of said Supreme Court to be holden in April next and file with the Clerk of said Court, attested Copies of all papers & proceedings in said Case had before said Court of Probate in said County.

*November 20, 1804.*

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### Chapter 66.

#### RESOLVE GRANTING A TAX OF 1500 DOLLARS FOR THE COUNTY OF BERKSHIRE.

On the petition of Barnabas Bidwell Esqr. Treasurer of the County of Berkshire, praying that a Tax may be granted for said County, notwithstanding his account with the County as treasurer, which was settled & allowed by the Court of General Sessions of the Peace for the said County, at their Session in August last, is by mere accident misslaid & does not accompany the Estimate presented, in manner required by Law.

*Resolved* for reasons sett forth in said petition That the sum of fifteen hundred dollars, be granted as a Tax for the said County of Berkshire, to be apportioned, assessed, paid, collected, and applied for the purposes aforesaid according to Law agr[ee]able to the Estimate, made by a Committe and allowed by the Court of General Sessions of the peace for said County. *provided however* the treasurer, of the County of Berkshire aforesaid, shall deliver into the Office of the Secretary of this Commonwealth, his Account with the said County of Berkshire (said to be misslaid) previous to this Resolve taking effect.

*November 20, 1804.*

**Chapter 67.**

RESOLVE FOR PAYMENT OF THE CLERKS OF THE SENATE AND HOUSE.

*Resolved*, that there be allowed & paid out of the Treasury of this Commonwealth to Wendell Davis Esqr. Clerk of the Senate fifty three dollars & to Nicholas Tillinghast Esqr. Clerk of the House of Representatives fifty three dollars for their services as aforesaid, they to be accountable for the same.

*November 22, 1804.*

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**Chapter 68.**

RESOLVE FOR PAYMENT OF THE ASSISTANT CLERK OF THE SENATE.

*Resolved*, that there be allowed and paid out of the Public Treasury to Samuel F. McCleary, Assistant Clerk of the Senate Thirty eight Dollars, in full for his services, the present Session of the General Court.

*November 22, 1804.*

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**Chapter 69.**

RESOLVE GRANTING 400 DOLLARS TO JOHN AVERY, ESQ., FOR PAYMENT OF PRESIDENTIAL ELECTORS.

*Resolved* That there be allowed & paid out of the Treasury of this Commonwealth the sum of four hundred dollars to John Avery Esq. by him to be applied to the payment of the Travel & Attendance of the Electors of president & vice president of the united states lately elected; he to be accountable for the same.

*November 22, 1804.*



# RESOLVES, ETC.

OF THE

## GENERAL COURT OF MASSACHUSETTS.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON *THURSDAY*, THE SEVENTEENTH DAY OF *JANUARY*,  
*ANNO DOMINI*, 1805.

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1804. — JANUARY SESSION.

### Chapter 70.

RESOLVE DIRECTING THE SECRETARY TO RETURN TO THE  
TREASURY THE BALANCE REMAINING IN HIS HANDS OF  
THE SUM HE RECEIVED TO PAY THE ELECTORS OF PRES-  
IDENT AND VICE PRESIDENT OF THE UNITED STATES.

Whereas by a Resolve of the General Court of the  
twenty second Novr. 1804, the sum of four hundred  
Dollars was paid out of the Treasury of this Common  
wealth to Secretary Avery, for payment of the travel and  
attendance of the Electors of President and Vice Presi-  
dent of the United States, who met in December 1804 —  
whose pay Roll amounted to three hundred & forty one  
Dollars :

*Therefore Resolved*, that said John Avery Esquire Sec-  
retary, be and hereby is directed to return to the Treasury  
of this Common wealth, the above balance of Fifty nine  
Dollars, and upon payment thereof, that he be and hereby  
is discharged from the aforesaid sum of four hundred  
Dollars.

*January 22, 1805.*

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### Chapter 71.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE  
TOWNS OF WINTHROP AND WAYNE, MAKING A DEDUC-  
TION FROM VALUATION OF WINTHROP AND ADDING TO  
THAT OF WAYNE.

On the petition of the Select Men of the Towns of  
Winthrop and Wayne, in the County of Kenebeck, set-

ting forth that by running of the Lines between the two Towns, a part of what was returned in the late Valuation as Winthrop, has fallen into and become a part of Wayne, and that the said Towns have agreed that in consideration thereof the fiftieth part of the Valuation of Winthrop shall be set to Wayne.

*Resolved*, For the reasons in said petition and agreement, that in all State & County Taxes that shall be hereafter Granted untill another Valuation shall take place, Three Cents, on the Thousand Dollars shall be deducted from Winthrop and placed to Wayne.

*January 22, 1805.*

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ANSWER OF THE HOUSE OF REPRESENTATIVES TO THE GOVERNOR'S SPEECH AT THE OPENING OF THE SESSION.

*May it please your Excellency,*

With great sincerity, the House of Representatives reciprocate your assurances of satisfaction from the present meeting. We rejoice in the existing harmony, between the different branches of the Government, which affords the best earnest, that the business of it will be conducted with advantage to the Public, and with ease and convenience to those who are concerned in its administration.

We assure your Excellency, that we will not only attend with promptitude and diligence to the several topics of Legislation, which you have particularly recommended, but that we will devote our time, to the advancement of the various Interests of the Commonwealth, in attending to the requests of individuals, and removing any just grounds of complaint, in affording suitable encouragement, to every species of useful industry, and in supplying, as far as in us lies, whatever may be found deficient, in our present system of Jurisprudence. And if by an upright and conscientious discharge of our duty we shall merit, we will not doubt of receiving an ample reward, in the approbation of our fellow citizens.

We cherish a belief, that there are few, or none of the People, of this Commonwealth, who would not consider a separation of the United States, as a measure greatly to be deprecated. The evils resulting to any portion of the Nation, from a continuance of the Union, must not only be manifest, but oppressive, before a dissolution of it, ought to be admitted, even in contemplation. Still more

firmly do we trust, that the great body of our fellow citizens, are yet wise enough & will continue to prefer a Republican form of Government, in its purity, as the surest preservative of individual rights. Equally and deeply interested as we all are, to support those free and happy Constitutions, under which our country has flourished in peace and wealth, for so considerable a period, it must be a duty we owe, no less to ourselves, than to our Posterity, to observe with a jealous eye, every approach, of danger; and to be equally solicitous, to repel the encroachments of arbitrary power, whether proceeding from internal disorder or foreign invasion. It is a melancholly truth, that of all other Republican Governments, which have ever existed — we can only say — they were.

Not one of them is now to be found. — And notwithstanding it is a just subject of exultation, that our Nation, forms an illustrious, though a solitary exception, to the general remark, yet it highly concerns us, attentively to consider the causes, which have occasioned the subversion of all former Governments, bearing any resemblance to our own. We surely cannot indulge a hope, that if similar causes should operate among ourselves, they would fail of a similar effect. Differences of era, climate, or position, have not hitherto been known to produce any difference in the catastrophe. Unless then the authority of History be discarded, or the experience of our own eventful times be rejected, it must be admitted, that the loss of Liberty, has always been preceded by a corruption of the public morals. Where virtuous habits, simple manners, and civil harmony have prevailed in communities, civil liberty has been found to flourish, and the force of mighty empires, has been unequal to the subjugation, even of small States. — While on the contrary, internal discord, vice, and licentiousness, a general spirit of innovation, and more especially a distrust of the most able and virtuous citizens, and a disposition to transfer the public confidence, from those whose fidelity and ability, have been tested by long & faithful services, to those who with less experience and of doubtful integrity, are more clamorous in their professions of zeal for the public welfare, have never failed to terminate in submission to the authority of a domestic Usurper, unless invited by the prevailing distractions, that event has been anticipated by a foreign invader.

If any or all the evils herein enumerated, should be in actual operation among us, and if moreover it should be found, that we are fast declining from that purity in matters of Religion, which formed a peculiar ornament in the character, and was the surest safeguard of the political Institutions of our Ancestors; if a sentiment should prevail, that public virtue, and private vice are compatible qualities, in the same character, that licentiousness and profligacy are no objections in candidates for public offices; if the usual means of political information should degenerate into vehicles of slander, and abuse of characters & institutions, entitled to the highest confidence and respect; if restless and aspiring men, should practise with success, those insidious and deceptive arts, to which the wise and good, would disdain to stoop, there would be too much reason to fear, that the name of our own country, would soon be added to the melancholly catalogue of departed Republics. Should this last hope of freedom fail, this only Republican Government, remaining on the face of the Earth be subverted, there is little probability, that the experiment would ever be repeated. We cannot however forbear, cherishing a fond hope, that the impressive lessons which are before us in the history of our race, will prove a salutary warning, to the enlightened People of these States; and that by avoiding the errors of others, they will escape their misfortunes. May Heaven long preserve them, free, prosperous, and happy.

*January 23, 1805.*

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ANSWER OF THE SENATE TO THE GOVERNOR'S SPEECH AT  
THE OPENING OF THE SESSION.

*May it please your Excellency,*

The Senate participate in the pleasure expressed by your Excellency, in the prospect, that from a continuance of harmony in the several branches of Government, the business of it will be conducted with advantage to the public and with ease and convenience to those who are employed in its administration.

The subjects which were referred from the former Sessions will at this time receive our mature deliberations. Among these we consider the judicial department of the Government, as highly important. Deeply impressed with the necessity of adapting it to the situation, extent and

population of this Country in order that there may be an equal and prompt distribution of Justice among the Citizens, we shall devote our earliest attention to making such revision and amendment of the existing system, and the arrangement of the terms of the Court, as will, in our opinion, be necessary for the attainment of so desirable an object.

We feel a high degree of satisfaction in your Excellency's communication with respect to the State of the Militia — that they have made improvements in all the essential points, which constitute a well-regulated Military force, that many of them have at their own expence, procured good cloth uniforms, and that their arms and equipments are in better order than at any former period, are circumstances peculiarly meritorious in them and highly honorable to their Country.

It will be our endeavor to watch over & advance the various interests of the Commonwealth, to gratify the reasonable expectations of our fellow Citizens, and to remove all just grounds of complaint. While our time and talents are devoted to these important objects, we may confidently hope for public approbation & support; but should this be denied us, the consciousness of having faithfully and impartially discharged our duty, will afford us ample satisfaction. We are fully impressed with a sense of the important benefits which have resulted from the Constitution of the United States, and believe few, or none, are desirous of witnessing the confusion and discord which would follow its dissolution.

Under the Constitution of this State, are passed most of the laws and regulations which affect our persons or property, and although framed and adopted during the ardor of a revolutionary war, such are the wisdom & fitness of its principles, so accurately are the powers of the different departments adjusted and balanced, and so able & faithful has been the administration of the Government under it, that the experience of more than twenty years, instead of lessening its value in the estimation of the people, has it is believed increased & confirmed their attachment to it. But although our Country has flourished in peace and wealth, yet when we see the disgraceful state of subjection into which other republicks are reduced, after much suffering and exertion to obtain their freedom, it becomes us to reflect on the causes of their misery, and to

discover and adopt such measures as may preserve us from a like wretched situation.

A general diffusion of knowledge, and a just sense of the obligations of the Christian Religion, are essentially necessary to preserve us from the vicissitudes, distresses and enormities which have degraded other nations. The literary and religious institutions, established by the first settlers of this State, ought therefore to be carefully maintained and supported. Seminaries for the education of youth, where may be taught the principles of evidence, the proofs of Revelation, the means of detecting and avoiding the subtleties of sophistry, a knowledge of the history of ancient times, which tends to inform us what degree of restraint is required for the security of civil freedom, and also to open to our view the disguises, under which tyranny may be introduced, are of the first importance to the safety and stability of the State. An enlightened people only, can distinguish between the factious aspiring demagogue and the upright and virtuous Magistrate, they alone can discern the arts and restrain the passions of those who wish to corrupt the public morals, and under the pretext of asserting the rights of the people, attempt to destroy them.

We are fully sensible that the teachers of religion by their moral and religious instructions in this Commonwealth, have been, and still are, eminently useful in preserving the blessings of good government, and upholding the order of Society. The principles of that Religion which confines the exertions of the human mind within the limits prescribed by its great Creator, which teaches reverence for the Deity, and a sense of accountability to him, must ever be the strongest bulwark against anarchy and the wildness of political Theorists. The awful & desolating effects which would ensue from the destruction of this great fortress have been fully proved by the consequences which followed that experiment when made by the people of France. Our distance from the nations of Europe, although it diminishes our apprehension of invasion, undoubtedly Increases our danger from internal feuds, as many motives to unanimity are wanting to us, which would operate if we were surrounded by powerful nations. Pretended patriots will be continually sowing their seeds of dissention, and endeavoring by specious pretences of uncommon zeal for the public welfare, to in-

flame the passions against the most able and virtuous citizens. We ought therefore to use every exertion to counteract the endeavours of those unprincipled men, who would mislead the people by false representations, and after being advanced to power by the most vile and profligate measures, would rather submit to a despot of their own selection, than hazard the loss of their ill acquired influence.

As the best means of preventing discord and party variance, it will be our endeavour to rise superior to selfish considerations and partial attachments, and to inspire respect by a constant adherence to good faith in all our measures.

We are fully impressed with the truth of those just and profound observations made by your Excellency on the causes which led to the destruction of ancient and modern Republics. Those observations evidently prove that so long as the virtue and public spirit remained, by which their liberty was established, no foreign power was able to subdue them, and that their own vices, divisions and corruptions, aided by the arts of demagogues and false patriots, have uniformly involved them in one common ruin.

Their errors and misfortunes, are displayed for our instruction and warning; and we unite our fervent prayers with those of your Excellency, that it would please the Great Arbiter of events to preserve our country from those tremendous convulsions which have sunk them into the abyss of despotism.

*January 24, 1805.*

### Chapter 73.\*

RESOLVE ON THE PETITION OF SHUBAEL BELL, AUTHORIZING THE TREASURER TO MAKE SALE OF A CERTAIN ESTATE FORMERLY BELONGING TO DANIEL LEONARD, AT AN ANNUAL RENT, RESERVING LIBERTY TO SAID BELL TO REMOVE A BUILDING BY HIM ERECTED ON THE PREMISES.

Whereas a certain Real Estate in Court Street Boston now in the occupation of Shubael Bell was confiscated to the use of this Commonwealth as the Estate of Daniel Leonard an Absentee. And Whereas sd. Estate was by

\* Chapter 72 is a message from the Governor relative to the resignation of General Skinner, the state of the Treasury, and a communication from the Solicitor General, and will be found among the messages.

a Resolve of Genl. Court set off to the Heirs of James Griffin Esq. for the term of Five years which term will expire on the first Day of March next :

*Be it therefore Resolved* That the treasurer be authorized and directed to make sale of the whole of the Commonwealths interest in said Estate, terminating with the life of said Daniel Leonard at public auction, at an annual rent, to the highest bidder, — the Commonwealth to be wholly free from all claim for repairs or charges of any name or nature whatsoever, now, or hereafter. Reserving liberty to Shubael Bell the present occupant one month after such sale to take down and remove, in any way conformable to Law a certain building by him erected on the premises.

*January 26, 1805.*

### Chapter 74.

#### RESOLVE ABATING TAXES ASSESSED UPON THE TOWN OF COLUMBIA.

Whereas the Town of Columbia by a Resolve of the General Court passed January 27, 1803 is exempted from all State Taxes till the first of March 1804 — in conformity to a former Resolve of March 26 — 1788 — Therefore

*Resolved*, that the State Tax of forty four Dollars fifty eight Cents assessed against the Town of Columbia in the Tax Act which passed February 28th 1801, and the State Tax of forty six Dollars sixty six Cents assessed against the same town of Columbia in the Tax Act which passed February 26th — 1803 be and hereby are abated.

*January 26, 1805.*

### Chapter 75.

#### RESOLVE GRANTING A TAX TO THE COUNTY OF HANCOCK.

Whereas the Treasurer of the County of Hancock, has laid his Accounts before the General Court, in manner prescribed by Law, which Accounts are hereby allowed ; and whereas the Clerk of the Court of General Sessions of the Peace for the said County, has laid before the General Court an estimate, made by the said Court of General Sessions of the Peace for the said County of the Debts due from and the Necessary charges likely to arise within the said County the present year, amounting to three thousand five hundred Dollars :



*Resolved*, That the sum of three thousand five hundred Dollars, be, and hereby is Granted as a Tax for said County of Hancock, to be apportioned, Assessed, Collected, and applied, in manner as the Law directs.

*January 29, 1805.*

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### Chapter 76.

RESOLVE ON THE PETITION OF WILLIAM PARSONS, DIRECTING THE SOLICITOR GENERAL TO INSTITUTE AN INQUEST OF OFFICE.

On the petition of William Parsons, setting forth, that he had purchased of this Commonwealth certain Land lying in Lyman (formerly Coxhall) in the County of York, being two lots, and that Joseph Roberts, Anthony Luques, Robert Ford, and Gershom Downs are in possession of part of said Lots, and praying that he may be permitted to recover possession of said Lots in the name of the Commonwealth.

*Resolved*, for reasons set forth in said petition, that the Solicitor General be, and he is hereby directed to institute an inquest of Office at the expence of said William Parsons in the name and behalf of this Commonwealth against Joseph Roberts, Anthony Luques, Robert Ford, & Gershom Downs, being the persons named in said petition for the recovery of so much of said Lots as are in their possession, the same to prosecute to final Judgment that the said Commonwealth may be resezied thereof as soon as may be.

*January 31, 1805.*

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### Chapter 77.

RESOLVE ON THE PETITION OF ROBERT FLETCHER, AUTHORIZING HON. JAMES SULLIVAN AND HON. CHRISTOPHER GORE, TO MAKE AND EXECUTE A DEED OF CONVEYANCE OF CERTAIN LANDS, &c. FORMERLY BELONGING TO ISAAC ROYALL, ESQ., DECEASED.

On the Petition of Robert Fletcher praying that some person or persons may be authorized to convey to him in fee simple certain Estates which formerly belonged to Isaac Royall Esquire, pursuant to a Contract made with Henry Hutton and Elizabeth Royall his wife, in her right on behalf of themselves and her children, devisees of said Isaac Royall.

*Resolved* for reasons set forth in said Petition that the Hon. James Sullivan, Attorney General of this Commonwealth & the Hon. Christopher Gore, or the survivor of them, be and they are hereby authorized and empowered to make and execute a deed of conveyance of the lands messuages and tenements, in this Commonwealth formerly belonging to Isaac Royall Esquire late of Medford deceased bounded and described as follows viz. All that Estate with its appurtenances called and known by the name of the Royall Farm in said Medford on the west side of Mystic River and bounding thereon containing about five hundred and twenty acres with the buildings thereon, together with a lot of land containing about forty acres lying north of the Great Brick-yard, so called, and a Pew in the Meeting house in said Medford. And also an Estate in Foxborough in the County of Norfolk known by the name of the Royal Foxborough Farm, but formerly known by the name of the said Royall's houses and lands in Walpole, formerly Stoughton in the County of Suffolk and Province or State of the Massachusetts Bay containing about five hundred acres of land be the same more or less to the said Robert Fletcher and to his heirs and assigns in fee simple in manner and form, as is provided by the Act passed on the Eighth day of March in the year of our Lord one thousand seven hundred an Ninety two, entitled "An Act for providing for a more easy and simple method than is now in use for barring estates in tail in lands and for making the same liable for the payment of the debts of the tenants in tail" which deed executed and acknowledged by the said James Sullivan & Christopher Gore Esquires, or the survivor of them and recorded in the Registry of deeds in the Counties of Middlesex and Norfolk respectively shall be as good and sufficient in law and shall have the same force and effect as though the same were made executed and acknowledged by Charles Henry Hutton the eldest son of the said Henry Hutton and Elizabeth Royall his wife, when of full age and in possession of the premisses, which said Charles Henry Hutton appears to be entitled by the last Will of the said Isaac Royall Esquire to the next estate tail after the life Estate of the said Elizabeth Royall Hutton shall be deter[er]mined. *Provided nevertheless* that the said James Sullivan and Christopher Gore Esquires shall take security to their satisfaction from the said Robert Fletcher, for the performance on his part of a certain

decree of the Court of Chancery of England made concerning the premises as to the time and manner of making payment of the purchase-money for the land, and tenements aforesaid. *Provided also* that the said Henry Hutton and Elizabeth Royall his wife shall convey the life estate which they hold in the premises in her right to the said Robert Fletcher.

*January 31, 1805.*

### Chapter 78.

RESOLVE MAKING AN ALLOWANCE TO THE SOLICITOR GENERAL FOR CERTAIN FEES AND COSTS.

Upon the representation of Honble. Daniel Davis Esquire, Solicitor General.

*Resolved*, that there be allowed and paid out of the Treasury of this Commonwealth to the said Solicitor General the sum of sixty one dollars & sixteen cents in full for his fees, and the Costs of suit, in an action commenced by him in behalf of the Commonwealth against John Waite Esqr., Sheriff of the County of Cumberland, in the Supreme Judicial Court, at their last May term, in said County, in pursuance of a Resolve of the General Court, passed March 2nd 1804, the said Solicitor General to account with the several persons entitled to fees allowed in said Bill of Cost, for the respective sums therein taxed in their favour.

*February 1, 1805.*

### Chapter 79.

RESOLVE ON THE PETITION OF RICHARD CHAMBERLAIN, AUTHORIZING THE ATTORNEY GENERAL OR THE SOLICITOR GENERAL TO APPEAR IN THE CASE.

Upon the Petition of Richard Chamberlain, shewing that the Commonwealth, by their Committee, on the seventh day of September A.D. 1782, conveyed a certain mesuage, lot of land and buildings thereon standing, in Boston, to Samuel Conant, his heirs and assigns, with covenants of warranty; that afterwards the said Conant conveyed the same to one William Wood, who died seized thereof, and the same was duly conveyed, under an order of Court, to the said Chamberlain in fee, who by his tenants is in possession; but that one William Henry McNeil has impleaded Joseph Brown, John Bright, and Rachael Woods, tenants holding under the said Chamberlain, in several actions of

ejection, before the Court of Common Pleas holden at Boston in & for our County of Suffolk, on the first tuesday of January current; & praying the interposition of the Legislature to defend to him the premisses aforesaid.

*Resolved*, that the said Defendants in the actions aforesaid, be and they hereby are empowered to pray in aid the Commonwealth of Massachusetts, and the Attorney General or Solicitor General is hereby authorised to appear in behalf of the Commonwealth and aid, in the defence of said actions, in such manner and form as he may judge proper and for the interest of the Commonwealth.

*February 2, 1805.*

### Chapter 80.

RESOLVE ON THE PETITION OF JOHN WATERMAN, REMITTING A CERTAIN FINE LAID UPON HIM.

On the petition of John Waterman, praying the remittance of a fine and costs, for default on recognizance, at the Supreme Judicial Court held at Portland for the County of Cumberland in May 1803.

*Resolved* that the prayer of the said petition be so far granted, that the said fine of Twenty Dollars, be and hereby is remitted to the said John Waterman, and that the Treasurer be and he is hereby directed to pay the said John Waterman the sum of Twenty Dollars accordingly.

*February 2, 1805.*

### Chapter 81.

RESOLVE ON THE PETITION OF THOMAS THOMPSON, EXTENDING THE TIME FOR THE SALE OF TICKETS IN THE PISCATAQUA BRIDGE LOTTERY.

On the Petition of Thomas Thompson, one of the Managers of the Piscataqua Bridge Lottery representing the great Use of said Bridge to the people of this Commonwealth, & praying for an extension of the time granted by this Legislature for the Sale of Tickets in said Lottery, within this Commonwealth.

*Resolved*, That the Managers of said Lottery & their Agents be, & they are hereby, authorized & permitted to sell the Tickets of said Lottery to any Person or Persons within this Commonwealth for one year from the passing of this Resolve & no longer, any Law to the contrary not-

withstanding. *Provided* that nothing herein contained shall authorize said Managers to sell any of said Tickets within this Commonwealth, after there shall have been raised by the sale thereof the Sum of fifteen thousand Dollars, which the Managers of said Lottery were authorized to raise by an Act of the State of Newhampshire passed the twenty fourth day of December in the year of our Lord one thousand eight hundred & three.

*February 4, 1805.*

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### Chapter 82.

RESOLVE AUTHORIZING THE SOLICITOR GENERAL TO PROSECUTE TRESPASSERS ON THE PUBLIC LANDS IN THE DISTRICT OF MAINE, AND REQUESTING THE GOVERNOR, WITH ADVICE OF COUNCIL, TO ISSUE WARRANTS TO THE TREASURER FOR PAYMENT OF EXPENSES INCURRED.

Whereas the Solicitor General has represented to His Excellency the Governor, that great depredations have been and still are committed on lands belonging to this Commonwealth in the district of Maine near the river Sebastacook, & that trespassers are associated together in bodies for the purpose of destroying the valuable timber thereon: — Therefore

*Resolved* That the Solicitor general be & he hereby is authorized & directed to commence & prosecute all such suits & processes either civil or criminal as he may think proper, for punishing any person or persons who have committed or may hereafter commit any trespass or trespasses on the lands belonging to this Commonwealth in the district of Maine & such suits & processes to pursue to final judgment & execution: & furthermore to adopt any other legal method which he may judge expedient to prevent similar depredations in future.

*And it is further Resolved* That his Excellency the Governour with the advice of Council be & he hereby is requested to issue his warrant to the Treasurer of this Commonwealth from time to time as circumstances may require directing him to pay to the Solicitor General such sum or sums not exceeding five hundred dollars as may be necessary to enable him to discharge the duties hereby enjoined upon him. He to be accountable for the expensiditure thereof.

*February 4, 1805.*

**Chapter 83.**

RESOLVE GRANTING ADDITIONAL PAY TO JOHN BURBECK,  
KEEPER OF THE STATE ARSENAL.

On the petition of John Burbeck keeper of the States Arsenal praying for an additional allowance for services.

*Resolved* for the reasons set forth in the said petition that from and after the first day of January last past, there be allowed & paid out of the treasury of this Commonwealth the sum of seventy five cents per day to John Burbeck keeper of the State's arsenal in Boston in addition to the sum now allowed to him — so that the daily compensation to the said John Burbeck shall be two dollars and fifty cents so long as he shall remain in and do the duties of his present office; and that the said compensation be paid to him in the same manner as his compensation heretofore has been paid.

*February 11, 1805.*

**Chapter 85.\***

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE  
LEGISLATURE.

*Resolved* that there be allowed & paid out of the public Treasury to each member of the Council, Senate, & House of Representatives, two dollars  $\wp$  day, for each day's attendance the present session, and a like sum for every ten miles distance from their respective places of abode to the place of the sitting of the General Court.

*And it is further Resolved*, that there be paid to the President of the Senate, and to the Speaker of the House of Representatives, each, two dollars  $\wp$  day for each and every days attendance, over & above their pay, as members of the Legislature.

*February 13, 1805.*

**Chapter 86.**

RESOLVE ON THE PETITION OF ISAAC RAZE, AUTHORIZING  
HIM TO MAKE SALE OF THE LAND MENTIONED.

On the petition of Isaac Raze of Cumberland in the County of Providence & State of Rhodeisland Guardian of Leonard Follet Lewis Follet George Follet & Isaac

\* Chapter 84 is a message from the Governor, and will be found among the messages at end of the volume.

Follet Miners, Children of George Follet late of Said Cumberland deceased.

*Resolved* for reasons set forth in said petition That the said Isaac Raze in his said capacity be & he is hereby Authorized to make Sale at publick Vendue of the said minors right title & interest in the land mentioned in said petition being one twelvth part of about sixty acres of land in the Town of Wrentham in the County Norfolk & to make & execute a good & sufficient deed or deeds of the same, he the said Isaac Raze first giving Bond with sufficient surety to the Judge of probate of Wills in the said County of Norfolk to Observe the rules & provisions of the Law in such sale & to account for the proceeds thereof according to Law.

*February 13, 1805.*

### Chapter 87.

RESOLVE ON THE PETITION OF AMOS PATTEN, DIRECTING THE HON. SALEM TOWN, ESQ. TO MAKE AND EXECUTE A DEED TO JOSEPH INMAN, OF 150 ACRES OF LAND IN THE 9 TOWNSHIPS OF LAND PURCHASED OF THE PENOBSCOT INDIANS.

On the Petition of Amos Patten and others, in behalf of Joseph Inman, who suffered a long confinement in close Goal on Suspicion of haveing Murdered one Oliver Holmes.

*Resolved* for Reasons set forth in said Petition that the prayer thereof be granted, and that the Honorable Salem Town Esqr. as Commissioner or Agent, for the sale of the Nine Townships of land purchased of the Penobscot Indians, be directed and he is hereby Authorized and empowered, to make and execute a Good and Sufficient Deed, to the aforesaid Joseph Inman, of one hundred & fifty Acres of land free of any expence to him the said Inman, in the same way and manner, as though he the said Inman had complied with a Resolve of the Legislature passed March second A.D. 1798, he being one of the settlers therein described — any Law or Resolve to the contrary Notwithstanding.

*February 15, 1805.*

### Chapter 88.

RESOLVE DIRECTING THE MANNER OF DISTRIBUTION OF THE 10,000 VOLUMES OF THE CONSTITUTION OF THE UNITED STATES, AND OF THIS COMMONWEALTH, &c. AND ORDERING THE PUBLICATION OF THIS RESOLVE.

*Resolved*, That the ten thousand copies of the Constitution of the United States, the Constitution of the Common-

wealth of Massachusetts, the Declaration of Independence and General Washington's Farewell Address, printed & bound in one volume, at the expence of this Commonwealth, agreeably to the Resolve of June 18th 1804, be apportioned by the Secretary among the several Towns, Districts and Plantations in the Commonwealth, in proportion to their numbers of inhabitants, according to the last Census of the United States; and that, when so apportioned, the same be delivered to the Select men of the Towns and Districts and the assessors of Plantations, to be appropriated by them to the use of Schools in their respective Towns, Districts & Plantations. As the said volume, of which no one has an exclusive copyright, may probably be hereafter procured by individuals on as reasonable terms at least as other School Books; and as the general use of it will serve the double purpose of teaching children to read, and at the same time diffusing among the People generally an early and habitual knowledge of the elements of our government:

*Therefore, Resolved,* That it be, and hereby is, recommended to Select-men, School-Committees, Preceptors, Parents and Guardians to unite their influence in favour of its introduction and use, as a reading Book, in the various Schools throughout this Commonwealth.

*And it is further Resolved,* that the Secretary cause this Resolve to be published in all the News-Papers, in which the laws of the Commonwealth are printed.

*February 15, 1805.*

## Chapter 89.

RESOLVE REQUESTING THE GOVERNOR TO TRANSMIT TO THE SENATORS AND REPRESENTATIVES IN CONGRESS, AND THE EXECUTIVES OF THE SEVERAL STATES, THIS RESOLUTION FOR PROCURING AN AMENDMENT TO THE FEDERAL CONSTITUTION RESPECTING THE IMPORTATION OF SLAVES.

*Resolved,* that our Senators in the Congress of the United States be instructed, and our Representatives requested, to take all legal and necessary steps to use their utmost exertions, as soon as the same is practicable, to obtain an amendment to the Federal Constitution, so as to authorise and empower the Congress of the United States to pass a Law, whenever they may deem it expedient, to prevent the further importation of Slaves, from any of the West



India Islands, from the Coast of Africa, or elsewhere, into the United States, or any part thereof.

*Resolved further*, That the Governor be, and he is hereby requested to transmit copies of the foregoing Resolution to our Senators and Representatives in Congress; also to the Executives of all the different States in the Union, with a request that the same may be laid before their respective Legislatures, for their concurrence and adoption.

*February 15, 1805.*

### Chapter 90.

RESOLVE ON THE PETITION OF EZRA WELSH, AND RACHEL, HIS WIFE, EMPOWERING THEM TO SELL THE LAND MENTIONED, AND AUTHORIZING THE GUARDIAN TO INVEST THE PROCEEDS FOR THE CHILDREN.

On the Petition of Ezra Welsh and Rachel his Wife.

*Resolved*, that the prayer of the Petitioners be granted and that the said Ezra & Rachel be, and are hereby empowered to make sale at public Auction, of a "certain tract or parcel of land together with the buildings thereon, situate in Charlestown near the old Meeting House, bounded as follows, viz., beginning at the northerly corner of said lot or tract of land on land of Richard Devens, esquire, then running south westerly on said Devens's land to land of William Wiley one hundred and twelve feet, then running Southeasterly on land of said Wiley and Nehemiah Holden sixty feet then running north easterly on land of Matthew Bridge ninety six and an half feet to the street, then north-westerly on the street fifty six and an half feet to the first mentioned bound," they first advertising the same twenty days at least before the sale in two of the newspapers printed in Boston & by giving Bonds to the Judge of Probate for the County of Middlesex, for the three fifth parts that will accrue to the Children by said sale; *provided however*, that unless the premises will command at least Three thousand five hundred Dollars, no sale shall be made therof, unless the said Ezra & Rachel consent that the deficiency shall be taken out of the two fifth parts that will accrue to them.

*And be it further Resolved*, that the Guardian to be appointed for the Children be and is hereby empowered to invest the proceeds that will accrue to the Children by said sale, in Real Estate, if he shall judge the same to be most for their interest.

*February 18, 1805.*

**Chapter 91.**

RESOLVE ON THE PETITION OF NATHAN HYDE AND OTHERS.

On the petition of Nathan Hyde and others, praying for a hearing before the Judge of Probate, for the County of Middlesex, respecting a certain Report of Commissioners, and accounts of administration, on the estate of William Hoogs late of Newtown in said County deceased.

*Resolved* for reasons set forth in the said petition, that the Judge of Probate for the County of Middlesex, be and he hereby is authorised, at any time within three months, from the passing of this Resolve, to examine the Report of the Commissioners appointed to receive and examine the claims of the several Creditors to said estate, and having heard all parties thereon, to accept or reject the whole or any part thereof, as he shall think proper, in the same manner as though the same Report had never been accepted or allowed. And also to examine all the administration accounts of William Hoogs, administrator on said estate, by him exhibited to the late Judge of Probate, in and for said County, and having heard all parties thereon, the same to allow or reject, in whole, or in part, in the same manner, the said Judge, would have authority by Law to do, if said accounts had never been allowed or passed. And all parties interested in said estate, shall have a right to appeal, from any order or decree, which said Judge may make, relating to said Report or accounts, as in other cases. *Provided nevertheless*, that said petitioners cause an attested copy of this Resolve, to be served on said administrator, fourteen days at the least, before the time of such hearing, together with a citation from said Judge specifying the time and place for such hearing, that sd. administrator may appear before said Judge & be heard respecting the premises, if he shall see fit. *February 19, 1805.*

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**Chapter 92.**

RESOLVE ON THE PETITION OF THE PRESIDENT AND TRUSTEES OF WILLIAMS COLLEGE, GRANTING THEM A TOWNSHIP OF LAND.

The Committee of both Houses, to whom was referred the Petition of the President and Trustees of Williams College, praying the aid of Government, to enable them to build a

Chapel for the performance of Divine Service and for keeping the College Library and Apparatus, having examined the Origin, rise and progress of that seminary from its Institution to the present time, together with the Aid heretofore afforded by the Government, and the existing state of its funds, beg leave to observe that the funds granted by the Original donor and the Government, have in the Opinion of the Committee been Judiciously applied to the object of the Institution, and with success exceeding the most sanguine expectations, and that the present state of the College affords a reasonable and pleasing expectation of its future extensive benefits to Society, and that a Chapel for the purposes abovementioned would essentially promote the same, And as the encouragment and grants of the Government to that College, have not been equal to those made to other seminaries in the Common Wealth the Committee ask leave to report the following resolve which is submitted by

EZRA STARKWEATHER *per order.*

*Resolved* for reasons set forth in the petition, that there be and hereby is granted one township of land, of the contents of six miles square, to be laid out and assigned from any of the unappropriated lands belonging to the Commonwealth, in the District of Maine excepting the ten townships lately purchased of the Penobscot Indians, the same to be vested in the President and Trustees of Williams College and their successors forever, for the use benefit and purpose of supporting the sd. College, to be by them holden in their corporate capacity, with full power & authority to settle divide and manage the same, or to sell convey and dispose thereof, in such way and manner as shall best promote the interest and welfare of sd. College. The same to be laid out under the direction of the Committee for the sale of Eastern lands at the expence of the said Corporation and a plan thereof to be lodged in the Secretaries office.

*Provided* The Trustees of sd. College, or their assigns, shall cause to be settled fifteen families in sd. township within twelve years from the passing of this Resolve; and also, that there be reserved, in sd. township three lots of three hundred and twenty acres each, for the following uses, viz. one lot for the first settled minister, one lot for the use of the Ministry, and one lot for the use of Schools in sd township.

*February 19, 1805.*

**Chapter 93.**

RESOLVE ON THE PETITION OF JONATHAN YOUNG, JUN. GRANTING HIM TWENTY DOLLARS A YEAR, DURING HIS NATURAL LIFE, IN ADDITION TO HIS PRESENT ALLOWANCE.

On the petition of Jonathan Young Junr. of York in the County of York, a Soldier in the Company of Artillery commanded by Capt. Jeremiah Clarke, praying for an augmentation of his annual allowance, in consideration of the loss of an arm while doing military duty in said Company, on the 18th day of October, 1797.

*Resolved*, that there be paid out of the Treasury of this Commonwealth, annually to said Young during his natural life, Twenty Dollars, in addition to the allowance already granted him, by a Resolve of the Legislature of this Commonwealth passed March the 1st 1800: — *Provided however*, that if the Government of the United States shall hereafter make any provision, by which the said Young may obtain relief by pension or otherwise, on account of his disability as aforesaid, then the payment of the said sum is to cease.

February 19, 1805.

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**Chapter 94.**

RESOLVE ON THE PETITION OF THE SELECTMEN OF READING, ABATING THE FINES LAID ON SAID TOWN BY A RESOLVE OF JUNE 15TH LAST.

On the Petition of the Selectmen of the Town of Reading praying, that the fine they are Subjected to by Law, for not makeing due return of the Votes, for Electors of President and Vice president, of the United States, in November last past, may be abated.

*Resolved*, for reasons sett forth in said Petition, that the prayer thereof be granted, and that the Selectmen of said Town of Reading be hereby excused from the fines to which they are Subject by the Resolve of 15th June last, for not making said returns in season.

February 22, 1805.

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**Chapter 95.**

RESOLVE ON THE PETITION OF MARY WORTHINGTON, THOMAS DWIGHT, AND JOHN HOOKER, TRUSTEES, EMPOWERING THEM TO DISPOSE OF CERTAIN STOCKS AND TO REINVEST THE PROCEEDS.

On the Petition of Mary Worthington, Thomas Dwight & John Hooker all of Springfield, only acting Executors

of the last Will and Testament of John Worthington late of said Springfield Esqr. deceased, and Trustees of certain bequests therein made to the Children of the said Testators deceased daughter Mary Bliss, and wherein the said Trustees were required to vest the whole amount of such bequests and all Interest and dividends accruing thereon, in the purchase of United States Bank or other Stock of the United States at their discretion, praying that they may be authorized to vest said bequests in private obligations secured by mortgages or other sufficient securities, for reasons set forth in said Petition.

*Resolved*, That the said Trustees, or the Survivors or Survivor of them, be and hereby are authorized and empowered, at their discretion to sell and dispose of the whole or a part of the Stock already purchased by them pursuant to the directions in said Will, and the sums of money produced by such Sales and all such other sums of money as have or may come to their hands by virtue of said bequests, to loan and place at Interest on private obligations, secured by mortgages of real estate, or other sufficient collateral securities, —

*Provided however* that nothing in this resolve shall in any way affect the accountability of said Trustees for the said bequests and Interest accruing thereon as provided in said Will.

*February 22, 1805.*

### Chapter 96.

RESOLVE ON THE PETITION OF WILLIAM HOWE, CONFIRMING  
A GRANT OF LAND MADE HIM IN JUNE, 1785.

On the Petition of William Howe, praying that he may be confirmed in a grant of One hundred & fifty acres of Land, made him by Government in June 1785.

*Resolved* for reasons set forth in said Petition, That the aforesaid William Howe, be, and hereby is confirmed in the grant of One hundred and fifty Acres of land made to him by a Resolve of the General Court passed the 29th day of July 1785 his not having performed and fulfilled the Conditions therein notwithstanding.

*February 22, 1805.*

## Chapter 97.

RESOLVE ON THE PETITION OF JOSEPH WHITE, JUN. AND OTHERS, ESTABLISHING A LIGHT INFANTRY COMPANY IN THE 1ST REGIMENT, 1ST BRIGADE, AND 2ND DIVISION OF THE MILITIA.

On the petition of Joseph White junr. & others praying for the establishment of a Light Infantry company in the first Regiment, first Brigade, and second division of the Militia.

*Resolved* that his Excellency the Governor with advice of Council, be & he hereby is requested to constitute Joseph White junr., Henry Tucker, Nathan Leech, George E. A. Carpenter, Edward Lander, James King junr., Stephen White, Abel Lawrence junr., James Brooks, Walter Todd, John Howard, John H. Read, Stephen Ward, Amos Adams, John Chipman, jr., Benjamin R. Nichols, Leonard Kimball, John W. Baker, Simon Forrester junr., William S. Orne, William H. Prince, Isaac Newhall, Jonathan Marston, Nathaniel Lang junr., Jabez Baldwin, Stillman Lothrop, Moses Cross, Samuel Swett, Joel Newhall, Thomas Smith, John Snethen, Joel Powers, William Osborn, Samuel Buffum 3d., Josiah Dorr, Timothy Brooks junior, Samuel Buffum junr., William Buffum, Samuel Webb, Thomas Gwinn, Silas P. Mosure, Nathaniel Safford, Edward Johnson, Enoch Dow, John Byrne, and James Bott junr., together with such others as may hereafter join them by voluntary enlistment into a Light Infantry company, and annex the same to the first Regiment, in the first Brigade, and second division of the Militia — which said company shall be subject to all the duties, rules, regulations, and restrictions provided by Law for regulating and governing the Militia of this Commonwealth.

*February 22, 1805.*

## Chapter 98.

RESOLVE DISCHARGING THE QUARTER MASTER GENERAL OF CERTAIN SUMS OF MONEY AND ALLOWING 10,000 DOLLARS FOR USE OF HIS DEPARTMENT.

*Resolved* That Amasa Davis Esqr. Quarter Master General be and hereby is discharged from the sum of twelve thousand four hundred sixty five Dollars seventy nine Cents, which he has expended, (including his Salary,

Office Rent & Clerk hire amounting to Nine hundred Dollars for one year ending the Seventeenth of January one thousand eight hundred and five) out of the sums he has received the last year by Warrants on the Treasury — for sale of the Schooner Hancock, and for Shott loaned to the United States.

And that the balance of fourteen Dollars fifty three Cents now remaining in his hands due to the Commonwealth, be carried to his Debit in a new account.

*Be it further Resolved*, that there be allowed and paid out of the Treasury to the said Amasa Davis Esqr. the sum of ten thousand Dollars for defraying the charges and Expences of the Quarter Master General's Department, the present year, he to be accountable for the same.

*February 22, 1805.*

### Chapter 99.

RESOLVE ON THE PETITION OF JAMES PATTEN AND OTHERS, AUTHORIZING THE COMMITTEE FOR THE SALE OF EASTERN LANDS TO MAKE AND EXECUTE DEEDS OF RELEASE TO CERTAIN SETTLERS.

Whereas by a resolve passed January 30th 1802, upon the petition of James Patten and others, inhabitants of the town of Hamden in the County of Hancock; among other things it was provided that Park Holland Esqr. was authorised to receive all applications made by said petitioners and others for being quieted in the possession of their respective lots, to have the same duly surveyed, and to return a plan of such survey into the Treasurers Office of this Commonwealth by the first day of February A.D. 1803, and the Treasurer was thereupon authorised to give deeds accordingly, instead of whom, The Committee for the sale of Eastern lands ought to have been thus authorised :

*Wherefore, Be it resolved*, that the committee for the sale of eastern lands, be hereby authorised and required to make and execute good and sufficient deeds of release, to those who were returned settlers as aforesaid, upon the payment, security and conditions required on the part of such settlers, agreeably to the resolve aforesaid, any time before the first day of June next, any thing in the resolve aforesaid to the contrary notwithstanding.

*February 22, 1805.*

**Chapter 100.**

RESOLVE DIRECTING THE QUARTER MASTER GENERAL TO MOUNT, AND PUT IN COMPLETE REPAIR, FOUR HOWITZERS FOR THE USE OF ARTILLERY COMPANIES.

*Resolved*, that the Quarter Master General, be and he is hereby authorized & directed to mount and put in complete repair the four brass six inch Howets, in the Arsenal in the town of Boston ; and that the same when so repaired be by him loaned to the commanding Officer of such Artillery Companies as his Excellency the Governour shall direct ; to be used by them for their improvement in that species of Gunnery, & for such term of time, as he shall think proper, such commanding Officer to be accountable therefor.

*February 23, 1805.*

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**Chapter 101.**

RESOLVE ON THE PETITION OF PHINEHAS PARSONS, GRANTING HIM A WRIT OF REVIEW ON A CERTAIN ACTION.

On the Petition of Phinehas Parsons, in which he states that by a resolve of the General Court passed on the 21st day of June 1804 he was authorized to sue out a writ of review in a certain action of Entry upon disseizin, commenced against him by one Asa Spalding, and which writ of review was by said resolve to have been prosecuted at the then next Supreme Judicial Court, which was to be holden at Northampton in said County of Hampshire in September last — and that by accident he failed to sue out the same — therefore

*Resolved*, That the said Phinehas Parsons, be and hereby is authorized to sue out his writ of review on the action aforesaid, and after being duly served, the same to enter at the Supreme Judicial Court next to be holden at Northampton in the County of Hampshire in April next, and the same to prosecute unto final Judgment and Execution — and the said Supreme Judicial Court is hereby authorized to take cognizance of the same, and the Judgment rendered against said Parsons to reverse or affirm, and proceed therein in the same manner in all respects as if the said Writ of review had been sued out within the time prescribed by Law — he the said Phinehas filing in said Court an attested Copy of the Judgment and all papers in said Cause.

*February 23, 1805.*



**Chapter 102.**

RESOLVE AUTHORIZING THE SUPERINTENDANT OF NICKS'S MATE TO CONTRACT FOR THE BUILDING OF A STONE BASEMENT AND WOODEN COLUMN INSTEAD OF A WALL AS DIRECTED BY A RESOLVE OF JUNE 23, 1804.

*Resolved*, that the resolution passed June 23, 1804, granting to the Treasurer of the Marine Society 3000 Dollars for preserving Nicks Mate in the Harbour of Boston, be so far amended, that the Superintendent, instead of building a wall around the Island, shall be and he hereby is authorized to contract for the building of a stone Basement and a wooden Column of such dimensions as the Marine Society shall think necessary for the establishment of a Land Mark.

*February 26, 1805.*

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**Chapter 103.**

RESOLVE ON THE PETITION OF JACOB HAZEN AND OTHERS, AUTHORIZING THE GOVERNOR, WITH CONSENT OF COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWN OF BRIDGTON.

On the petition of Jacob Hazen & others, praying for leave to raise a light Infantry Company in the Town of Bridgton in the County of Cumberland.

*Resolved* That the Governor, with the consent of Council be and is hereby authorized, to raise by Voluntary Inlistment, a company of light Infantry in the Town of Bridgton, provided the standing Company in said Town, shall not be reduced, below the number of Sixty four rank & file, when so raised to be annexed, to the Third Regiment, second Brigade & six[t]h division of the Militia of this Commonwealth, and subject to all such rules regulations & restrictions, as are or may be provided by Law for the Government of the Militia, of this Commonwealth.

*February 27, 1805.*

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**Chapter 104.**

RESOLVE ON THE PETITION OF ALFORD RICHARDSON AND OTHERS, AUTHORIZING THE GOVERNOR, WITH CONSENT OF COUNCIL, TO RAISE A LIGHT INFANTRY COMPANY IN THE TOWN OF NORTH YARMOUTH.

On the petition of Alford Richardson & others praying for leave to raise a Light Infantry Company in the Town of North Yarmouth in the County of Cumberland.

*Resolved*, That the Governor, with the consent of Council, be and is hereby authorised, to raise by Voluntary enlistment, a Company of light Infantry in the Town of Northyarmouth provided the standing Companies in said Town, shall not be reduced below the number of Sixty four, rank & file, when so raised to be annexed to the second, Regiment second Brigade, of sixth Division, of the Militia of this Commonwealth, and to be Subject to such rules regulations and restrictions, as are, or may be, provided by Law, for the Government of the Militia of this Commonwealth.

*February 27, 1805.*

### Chapter 105.

RESOLVE ON THE PETITION OF DAVID ORN AND OTHERS, AUTHORIZING THE GOVERNOR, WITH CONSENT OF COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWN OF GRAY.

On the petition of David Orn & others, praying for leave to raise a Company of Light Infantry, in the Town of Gray, in the County of Cumberland.

*Resolved*, That his Excellency the Governor, with consent of Council, be and is hereby authorized to raise by voluntary enlistment, a Company of Light Infantry in the Town of Gray, provided the standing companies in said Town, shall not be reduced, to a less number than sixty four rank & file — & when so raised to be annexed to the fourth regiment, second Brigade and Sixth Division of the Militia of this Commonwealth, and shall be Subject to all such rules, regulations & restrictions, as are or may be provided by Law for the Government of the Militia of this Commonwealth.

*February 27, 1805.*

### Chapter 106.

RESOLVE ON THE PETITION OF ROBERT HEWES, RESPECTING THE DISTRIBUTION OF A BOOK ENTITLED, "AN ELUCIDATION OF REGULATIONS FOR THE FORMATION AND MOVEMENTS OF CAVALRY," AND REQUESTING THE GOVERNOR TO GIVE THE NECESSARY ORDERS FOR THE SAME.

On the petition of Robert Hewes praying for encouragement and assistance in publishing a regular system of Tactics entitled Regulations for the formation and movements of Cavalry.

*Resolved* that there shall be furnished by the Govern-

ment to each commanding officer of a company of Cavalry and to each field officer commanding a squadron of Cavalry and to each Major General in this Commonwealth one book entitled “ An elucidation of Regulations for the formation and movements of Cavalry revised and corrected by Robert Hewes ; ” said books to be transferred to their successors from time to time as they shall retire from office ; and that the Governor be requested to give the necessary orders for purchasing and distributing the books and that the money necessary for the same be paid out of the Treasury of this Commonwealth. *Provided* that the whole number of Books so furnished shall not exceed one hundred.

*February 28, 1805.*

### Chapter 107.

RESOLVE ON THE PETITION OF MARTIN BRIMMER AND OTHERS, A COMMITTEE OF THE AGRICULTURAL SOCIETY, GRANTING THEM A TOWNSHIP OF LAND, UNDER CERTAIN RESTRICTIONS, AND AUTHORIZING THE SECRETARY TO MAKE AND EXECUTE A DEED THEREOF.

The Committee of both Houses, appointed to consider the Petition of Martin Brimmer & others Trustees of the agricultural Society praying for aid from Government, to enable them to establish a botanic Garden, ask leave to submit the following report :

That in exam[*in*]ing the papers committed to them, they find, that a Committee of both Houses in June A.D. 1802, reported, that in their opinion, an institution of the kind contemplated, in the petition may under skillful and judicious management, be highly beneficial to the Agriculture of the Commonwealth, and strongly invites the aid and patronage of government, yet as the session was drawing near to a close and there was little probability, that the Legislature would have time to give the subject a due discussion, the Committee reported, that the further consideration of the petition should be referred to the next Session of the general Court. The whole of which report was accepted by both branches of the Legislature. It appears further to your Committee, that a number of public spirited Individuals, desirous of patronizing the institution have allready subscribed more than Twenty thousand Dollars, to a fund for the same purpose. In addition to which the agricultural Society, considering its importance,

and that it is connected with the objects of their association, have subscribed five hundred Dollars.

Your Committee, after a full consideration of the subject, are of the opinion, that under an able professor, and a well regulated garden, a knowledge of the theory of vegetation would be illustrated by practice, and the virtue of plants be better known; In one convenient and central deposit there would be collected and exhibited specimens of all our native plants; valuable exotic plants would be introduced; our vegetable treasures would be continually augmenting; The Ideas of ingenious Agriculturists, and hints derived from books would be tested by experiments; Industry would be aided by skill; The capacities of our Soil and Climate would be ascertained; The properties, uses, and relations of the vegetable World would be explored; Instruction in this branch of knowledge would become a part of the Studies of our Youth; The number of critical & intelligent Observers would be increased; a general diffusion of usefull information, and a general Interest in agricultural pursuits would be the happy result.

Other Nations have long seen and experienced the decisive advantages to be derived from such institutions. Not only in the genial Climes of the South of Europe, but in Germany, Great Britain, Sweden and Russia botanic gardens have long been established — To cherish and improve them, has long been the care of States, Societies and munificent Individuals.

Your Committee deeply impressed with the importance of such an institution, are of the opinion that the present is a favourable time for its establishment — our Country is in a State of peace and prosperity, and munificent Individuals, have now generously come forward to its aid. The Sums subscribed however will not be more than sufficient to purchase the ground which will be necessary, and make the arrangements for its introduction — It appears therefore it cannot be carried into operation without the aid of government. Your Committee further believing, as the object is intimately connected with Agriculture, the management of it could not be committed to so suitable a body of men as the Trustees of the Agricultural Society — They therefore ask leave to submit the following Resolves:

WM. HULL, *pr order*.

Whereas a Professorship of Botany and of other branches of Natural History, well supported & properly conducted, will be of great utility in promoting the Arts and Agriculture of this State, by collecting cultivating & ascertaining the uses of all the various kinds of grasses, of the various plants which are provided for medicinal uses, of the plants destined to support the life of man, and of the plants that conduce to promote the arts necessary for his comfort & convenience, and by investigating the history of those insects which are destructive to plants and the means of preventing their ravages :

And whereas a number of Gentlemen have voluntarily subscribed the sum of twenty two thousand, four hundred & [and] thirty one dollars for the establishment support & endowment of such professorship, which sum is quite inadequate to the due supporting & effectually conducting of the same. — And such a professorship being worthy of the patronage of an enlightened People attentive to every branch of science which may promote the public wealth and happiness. Therefore to aid and assist so useful an institution,

*Be it Resolved*, That there be and there hereby is appropriated for the support & maintenance of the said Professorship one Township of Land to contain six miles square, & to be surveyed located & assigned from any of the unappropriated Lands belonging to this Commonwealth in the District of Maine, excepting the ten Townships lately purchased of the Penobscot Indians, under the direction of the Committee for the sale of Eastern Lands, at the expence of the Massachusetts Society for promoting Agriculture, and a plan thereof to be lodged in the Secretary's Office. And that the Trustees of said Society be authorized to dispose of and sell the same lands on the best terms they may be able ; and that the Secretary of the Commonwealth for the time being be empowered to make & execute good & legal deeds of conveyance of the same to such person or persons as said Trustees shall direct. And that said Trustees shall appropriate the proceeds of the said sales for the maintenance & support of the said Professorship in conjunction with the monies raised by subscription as aforesaid. *Provided* the Trustees of said Society or their Assigns shall cause to be settled fifteen Families in said Township within twelve years from the passing of this Resolve, and also that there be reserved

in said Township three Lots of three hundred & twenty acres each for the following uses, viz., one Lot for the first settled minister, one Lot for the use of the ministry, and one Lot for the use of the schools in said Township.

*March 1, 1805.*

### Chapter 108.

RESOLVE ALLOWING THE COUNTY TREASURERS' ACCOUNTS FOR THE COUNTIES OF SUFFOLK, ESSEX, &c. AND GRANTING A TAX TO SAID COUNTIES

Whereas the Treasurers of the following Counties, have laid their accounts before the General Court for examination, which accounts have been examined and allowed: And Whereas the Clerks of the Courts of General Sessions of the Peace for the said Counties, have exhibited estimates, made by the said Courts, of the necessary charges likely to arise within the said several Counties, for the year ensuing, and of the sums necessary to discharge the debts of the said Counties:

*Resolved* that the sums annexed to the counties, contained in the following Schedule, be and the same are hereby granted, as a tax for each County respectively, to be appropriated, assessed, paid, collected, and applied, for the purposes aforesaid according to Law.

<i>Suffolk,</i>	Fourteen thousand Dollars,	14000
<i>Essex,</i>	Eighteen thousand & five hundred Dollars,	18500
<i>Worcester,</i>	Four thousand Dollars,	4000
<i>Hampshire,</i>	Two thousand & five hundred Dollars,	2500
<i>Norfolk,</i>	One thousand nine hundred & twenty Dollars,	1920
<i>Barnstable,</i>	One thousand five hundred & fifty Dollars,	1550
<i>Cumberland,</i>	Five thousand Dollars,	5000
<i>Lincoln,</i>	Three thousand Dollars,	3000
<i>Washington,</i>	One thousand & twenty-nine Dollars,	1029
<i>Kennebeck,</i>	Three thousand, two hundred & forty four Dollars,	3244

*March 1, 1805.*

### Chapter 110.\*

RESOLVE DEDUCTING ONE CENT FROM THE VALUATION OF DARTMOUTH AND ADDING IT TO THAT OF WESTPORT.

Whereas William Wilcox with his family & estate has been set off from the town of Dartmouth, and annexed to the town of West Port:

\* Chapter 109 is a message from the Governor relative to the interruption of surveyors while surveying land of Bowdoin College, and will be found among the messages.

*Resolved* that the sum of one cent, be and hereby is deducted from the valuation of the town of Dartmouth, and that the same be added to the town of Westport.

March 2, 1805.

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### Chapter 111.

RESOLVE ON THE PETITION OF THE FIRST BAPTIST SOCIETY IN THE COUNTY OF HAMPSHIRE, RATIFYING THE DOINGS OF THE OFFICERS OF SAID SOCIETY.

On the Petition of the First Baptist Society in the County of Hampshire stating that the Officers of said Society who by their Act of Incorporation are required to be sworn upon their Annual election to such offices have not been sworn since their first election thereto & praying that the proceedings of said Society may be ratified & established.

*Resolved* for reasons set forth in said petition — That the doings of said Officers and the proceedings of said Society be ratified & Confirmed and shall be deemed and taken to be Legal and valid in all respects and in the same manner as they would have been had the said officers at each Election been sworn according to Law.

March 2, 1805.

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### Chapter 112.

RESOLVE ON THE PETITION OF RUTH HUBBARD, CONFIRMING A CERTAIN DEED.

On the Petition of Ruth Hubbard of Hatfield in the County of Hampshire praying that a Certain Deed made by Lucy Hubbard of said Hatfield to Selah Graves of Whately in said County of Hampshire Conveying a small tract of Land Situate in Whately aforesaid being part of Lot Number twenty six in the fourth division of Common Land Containing about Fifteen Acres & being three quarters of a mile in Length may be ratified and Confirmed as a good and sufficient deed of Conveyance.

*Resolved* for reasons set forth in said petition that the deed aforesaid from the said Lucy to the said Selah be and hereby is ratified and Confirmed as a good and Legal Conveyance of the Land in the same deed discribed — On Condition that the said Lucy shall make execute & deliver to the Children of John Hubbard Late of Hatfield aforesaid a good & sufficient deed of Bargain & sale of a Certain piece of Land Lying in the South field in said Hatfield and in that part of said field Called the Lower Plain and

is bounded Westerly on the County Road Northerly on the meadow fence so called Southerly on Captn. Perez Graves Land partly and to extend Easterly so far as to include the whole of the Lot that belongs to the said Lucy in that part of said south field which Lot Contains by Estimation Twelve Acres, and which Lot is mentioned in said petition as being owned by said Lucy in her own right.

*March 2, 1805.*

### Chapter 113.

RESOLVE ON THE PETITION OF JOSEPH LIVERMORE, AUTHORIZING THE AGENTS FOR THE COMMONWEALTH'S LANDS IN MAINE TO GIVE DEEDS TO CERTAIN SETTLERS WITHIN A LIMITED TIME.

On the Petition of Joseph Livermore as Agent to certain persons resideing in the town of Eastport in the County of Washington, praying for further time to make payment for their lands which by a resolve passed the 19th February A.D. 1803, was limited to the term of two years, thereafter.

*Resolved*, That the Agents for the Commonwealths lands, in the District of Maine, are hereby authorised and required to give deeds to those Settlers contemplated in said resolve, provided the payments are made and the conditions therein named complied with, any time before the fifteenth day of May next.

*March 2, 1805.*

### Chapter 114.

RESOLVE GRANTING 1,000 DOLLARS TO THE SOCIETY FOR PROPAGATING THE GOSPEL AMONG THE INDIANS AND OTHERS IN NORTH AMERICA.

On the Petition of the Society for Propagating the Gospel among the Indians, and others in North America.

*Resolved*, that there be granted and paid to the Society for propagating the gospel among the Indians and others, in North America, out of the Treasury of this Commonwealth, The sum of One thousand Dollars, to be laid out and expended in Educating the youth, and for Propagating the Gospel in Such parts of this Commonwealth as are unable to furnish themselves with Teachers and instructors.

*March 4, 1805.*



**Chapter 115.**

RESOLVE MAKING AN ALLOWANCE TO MANNING & LORING FOR THE PURPOSE OF COMPLETING THE PUBLICATION OF THE LAWS.

On the Petition of Maning & Loring Praying that they may be allowed eight Hundred Dollars to be advanced to them to Enable them to Compleat the Printing & binding two octavo volumes of the Laws of this Commonwealth.

*Resolved*, that there be paid out of the Treasury of this Commonwealth to the said Maning & Loring eight hundred Dollars to enable them to Compleat the printing & binding the said two volumes of the Laws of this Commonwealth. *Provided* they shall give Bond with Sufficient sureties to the Treasurer of the Commonwealth to account for the same.

*March 4, 1805.*

**Chapter 116.**

RESOLVE ON THE PETITION OF ISAAC WILEY, JUN., AND HANNAH, HIS WIFE, EMPOWERING THEM TO EXECUTE A DEED OF THE LAND MENTIONED.

Upon the Petition of Isaac Wiley Junr. and Hannah his wife, as she is Administratrix on the Estate of Henry Young, her former Husband, praying to be empowered to make and execute a Deed of conveyance to Cornelius Davis of a certain Parcel of Land situate in the Town of Cushing, which had been set off by Execution in favor of the said Henry Young against one Richard Adams, and which the said Henry, in his lifetime, had contracted, in writing, to convey to the said Cornelius.

*Resolved* that the Prayer of said Petition be granted, and that the said Hannah, in her said Capacity, together with the said Isaac, her present Husband, be empowered to make and execute a Deed of conveyance of the said Land mentioned in said Petition, to the said Cornelius Davis agreeably to said Contract.

*March 4, 1805.*

**Chapter 117.**

RESOLVE ON THE PETITION OF JOHN PECK, EXTENDING TIME FOR PAYMENT OF BALANCE DUE COMMONWEALTH ON CONTRACT FOR PURCHASE OF TOWNSHIP NUMBER ONE IN SIXTH RANGE NORTH OF WALDO PATENT.

On the Petition of John Peck, praying for an extention of the time for the payment of the balance due to the Com-

monwealth on the Contract for township number one in the sixth range of townships lying North of the Waldo Patent & West of Penobscot river by Calvin Austin.

*Resolved*, for reasons set forth in said Petition, that upon the said John Peck or his assigns, paying into the Treasury of this Commonwealth, the sum of One thousand four hundred Dollars, within ten days from the passing of this Resolve, & the residue of the principal & interest due on said contract for said Township, at or before the first day of June next, without fail; the Agents for the Commonwealth's land in the District of Maine, are hereby authorized & required to give a deed of said township to the said John Peck, or his assigns, in the same manner as if the whole of the purchase money had been paid prior to the first day of March instant — agreeable to the original Contract.

*March 4, 1805.*

### Chapter 118.

RESOLVE RESPECTING THE BOUNDARY LINE BETWEEN THE COUNTIES OF HANCOCK, LINCOLN, AND KENNEBECK, AND DIRECTING THE SECRETARY TO PUBLISH THE SAME IN THE NEW ENGLAND PALLADIUM AND IN THE EASTERN ARGUS.

Whereas it has been represented to the Legislature, “that difficulties have arisen from the uncertainty of the boundary line between the Counties of Hancock, Lincoln, and Kennebeck, which has never been actually designated”:

*Ordered* that any person, may appear at the first Session of the next General Court, and shew cause if any he hath, why the boundary between the Counties of Hancock, Lincoln, & Kennebeck, should not be established by the following lines, viz.

“Beginning at the South West corner of the town of Lincolnville, thence runing on the dividing line between the towns of Camden and Lincolnville, until it comes to the North West corner of Camden, thence runing North, thirty four degrees West, on the Easterly line of the town of Hope, & the Plantation of Appleton, until it strikes the Easterly line of the Plymouth Patent, thence Northerly on said line, until it comes to the North West corner of the Waldo Patent, thence Easterly bounding on the Southerly line of Township N: four, in the first range North of the Waldo Patent, to the South East corner thereof thence Northerly, bounding on the Easterly line of said town-

ships number four & number five in the second range, until it strikes the Southerly line of township Number four in the third range, thence Easterly to the South east corner of township number four in the third range, thence Northerly on the East line of said number four last mentioned, to the North east corner thereof, thence on the same course, until it comes to number five in the seventh range, thence Westerly to the south west corner of said number five, thence Northerly on the Easterly line of number six in the seventh range, and number eight in the eighth range, & number eight in the ninth range, to the North east corner of said number eight in the ninth range, thence North to the Highlands." And the Secretary is directed to cause this order to be published three weeks successively, in the New England Palladium, and in the Eastern Argus the last publication to be four weeks previous to the first Wednesday of the next session of the General Court.

*March 4, 1805.*

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### Chapter 119.

#### RESOLVE ON THE PETITION OF THOMAS G. WAIT.

On the Petition of Thomas G. Wait, praying, that on the payment of the Interest due on certain notes given by Jonathan Maynard Esqr. and others to the Commonwealth, on the purchase of township Number two in the second range, and the cost made on said notes, he may have a renewal of said Contract to himself, & a further time allowed for payment of the ballances due on said Notes & for providing settlers in said Township.

*Resolved* for reasons set forth in said Petition, That the Agents for the Sale of Eastern Lands be and hereby are authorized and directed, on the payment within sixty days from the time of passing this resolve of the Interest due on the notes, given on the Contract for the purchase of said Township, up to the second day of March instant to the Treasurer of the Commonwealth and also of all cost made on said notes now in suit, to cancel the original contract made with said Maynard, and renew the same with said Thomas G. Wait with the usual conditions contained in such Contracts, he the said Wait executing and delivering to said Agents his notes for securing the payment of the sums that shall remain due on the said notes of said Maynard and others, payable in four equal annual

instalments with Interest — and that on the performance of the provisions of this resolve, the notes aforesaid given by said Maynard & others be cancelled & rendered void.

*March 4, 1805.*

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### Chapter 120.

RESOLVE ON THE PETITION OF THE AGENTS FOR THE TOWN OF CHESTERVILLE, DIRECTING THE LAYING OUT OF LOTS FOR MINISTERIAL AND SCHOOL PURPOSES.

On the petition of the agents for the town of chesterville in the County of Kennebec, representing, that the original sale of said township was made at different times, and that no land was appropriated for public uses, that a gore of land, belonging to this Commonwealth is situated within the bounds of said town, Therefore,

*Resolved*, that there be surveyed and laid off at the expense of the petitioners, one thousand acres from the south end of the gore of land aforesaid, bounded as followeth Viz. Beginning at a stake on the North side of Megurday's Stream (so called) in the line, of land purchased by Clifford and Judkins, from thence running north  $80^{\circ} 00''$  West 586 rods, to a stake, from thence North 263 rods, to a stake, from thence South  $80^{\circ} 00''$  East to Megurday's Stream, thence by said stream, southerly to the first bounds; One third part of said thousand acres, to be for the first settled minister, one third part for the use of the ministry and the other third part for the use of schools in said town forever.

*March 7, 1805.*

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### Chapter 121.

RESOLVE PROVIDING FOR THE RESERVATION OF THREE LOTS FOR MINISTERIAL AND SCHOOL PURPOSES IN THE TOWNSHIP GRANTED FOR THE BENEFIT OF CONTINENTAL SOLDIERS.

Whereas Charles Turner Esqr. pursuant to appointment of the Governor & Council under a Resolve of the General Court passed March 5th 1801 — providing Two hundred Acres of land, for a certain description of soldiers — Has made a Survey, and returned a Plan into the Secretary's Office of a Township of land situated on the eastern boundary line of this Commonwealth to be for the benefit of said Soldiers, on such conditions as are provided in said Resolve of March 5th 1801, and no reserve is made of any lots in said Township for public uses: therefore

*Resolved*, that there be and hereby is reserved for the first settled Gospel Minister in said Township, the lot numbered fifty four, and for the Use of the Ministry, the lot numbered fifty five, and that the lot numbered thirty three, on said Plan be reserved for the use of Schools, and the Agents appointed to designate the lots to the several Soldiers who may prove their claims Agreeable to the aforesaid Resolve of March 5th 1801 — are directed to govern themselves accordingly. *March 7, 1805.*

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### Chapter 122.

RESOLVE ON THE PETITION OF JONATHAN DAVIS AND JOSIAH NOYES, AUTHORIZING THE GOVERNOR, WITH ADVICE OF COUNCIL, TO RAISE A COMPANY OF INFANTRY IN THE TOWN OF ACTON.

On the Petition of Jonathan Davis & als. and Josiah Noys & als. praying that a Company of Infantry may be inlisted in the Town of Acton. For reasons set forth in said Petitions.

*Resolved*, That the Governor by and with the advice of the Council be, & he hereby is authorized to raise a Company of Infantry by inlistment in the said Town of Acton *provided* the said Company shall not consist of more than Sixty four Rank and file, and the standing Company in said Town shall not be reduced below that number — *And provided also*, That the Governor with the advice of Council shall think proper to reduce one of the standing Companies in Concord belonging to the 3d Regt. of the 1st Brigade and 3d Division of the Militia — And the Company when so raised shall be considered as belonging to the said Regt. and subject in every respect to the same duties, as the other Companies in the said Regt.

*March 7, 1805.*

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### Chapter 123.

RESOLVE ON THE PETITION OF JEREMIAH EMERY, IN BEHALF OF THE TOWN OF SHAPLEIGH.

On the Petition of Jeremiah Emery, Agent for the town of Shapleigh in the County of York, — Representing that Joshua Bracket was chosen & served as Clerk of said town from the year Seventeen hundred & Eighty five to the Year Eighteen hundred & one; excepting the Year Seventeen

hundred & ninety-eight, when Aaron Hubbard served the said town in that Office.

That the said Joshua & Aaron during the term of their serving the said town in the office aforesaid, omitted recording in the books of said town, the Certificates of their Oaths of office, and all other town officers, and likewise to certify & sign the said records. And that the said Joshua Omitted during a part of the time aforesaid, to record the Warrants of the Select Men for the calling town Meetings, and the return on such warrants; And praying that the proceedings of the said town therein may be ratified & Established notwithstanding the Omissions aforesaid.

*Resolved* for reasons set forth in said Petition, that the doings of said officers, and the proceedings of the said town thereon be ratified & confirmed, & shall be deemed & taken to be legal & valid in all respects, & in the same manner as they would have been in case such certificates & Records had been made.

*March 7, 1805.*

### Chapter 124.

RESOLVE ON THE PETITION OF EBENEZER LAWRENCE, GRANTING AN ANNUAL ALLOWANCE TO HIS SON.

On the petition of Ebenezer Lawrence in behalf of his son Ebenezer a Militia soldier who was wounded while doing Military duty at the general Muster in Waltham, in October last by the accidental discharge of the Musket of another soldier in the rear rank the contents of which went thro' the hand of the said Ebenezer Lawrence Junr.

*Resolved* that there be paid out of the Treasur[er]y of this Commonwealth unto Ebenezer Lawrenc[e] for the use of his son Ebenezer aforesaid the sum of ninety dollars on the first day of May annually for the term of five years making in the whol the sum of four hundred and fifty dollars.

*March 7, 1805.*

### Chapter 125.

RESOLVE ON THE PETITION OF DIREK GARDINER AND HANNAH VOSBORGH, AUTHORIZING THEM TO EXECUTE DEEDS OF CERTAIN REAL ESTATE.

Whereas Direk Gardiner of the State of New-York has petitioned in his capacity of guardian to Martha, Hannah

& Sarah who are minors & children of Peter Gardiner deceased, (the said Martha being now the wife of Peter Obriant who joins in the petition) and whereas Hannah Vosborgh in her capacity of guardian to Barent, Jacob, Evert, Gertrude & Cornelia her children who are minors hath also joined in the same petition setting forth that the said Minors are tenants in common of a tract of Land situate in Sheffield in the county of Berkshire in certain proportions and praying leave to sell their shares in the same :

*Resolved* for the reasons set forth in the petition that the said Direk Gardiner in his capacity aforesaid — and the said Hannah Vosborgh in her capacity aforesaid be and they hereby are respectively authorized and empowered to sell and to execute in due form of Law deeds to convey the estate holden by the Minors of whom the said Direk and Hannah are respectively the guardians — *Provided nevertheless* that the said Direk and the said Hannah shall first have given bond or bonds with sufficient sureties to the use of the minors aforesaid and shall have filed the same in the Probate Court in the County in which said minors dwell conditioned that they will faithfully and truly & to the best of their knowledge and discretion sell the said estate at such time place and manner as may be most for the interest of said Minors and that they will apply the monies arising from the sale thereof to the use and benefit of said Minors according to their respective proportions in the said land ; & also conditioned that the said Direk & Hannah shall respectively do all such acts and observe all such regulations as may by Law be necessary and usual in cases where such power is given to guardians as by this resolve is given to said Direk & Hannah.

*March 8, 1805.*

### Chapter 126.

#### RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF YORK AND GRANTING A TAX.

Whereas the Treasurer of the County of York has laid his accounts before the General Court for examination in the manner prescribed by Law, which accounts have been examined and allowed — And Whereas the Clerk of the Court of General Sessions of the Peace for the said County of York has exhibited an estimate made by the said Court of the necessary charges which may probably arise within

the said County, for the year ensuing — amounting to Four Thousand Dollars.

*Resolved* that the said sum of Four Thousand Dollars be and hereby is granted as a Tax for the said County of York for the ensuing year, to be apportioned, assessed, paid, collected and applied for the purposes aforesaid, according to Law.

March 8, 1805.

### Chapter 128.\*

RESOLVE ALLOWING ADDITIONAL PAY TO THE COMMITTEE ON ACCOUNTS.

*Resolved*, that there be paid out of the publick treasury of this common wealth to the several Members of the Committee appointed to examine and pass on accounts presented against the Commonwealth for their attendance on that service during the present session, in addition to their pay as Members of the Legislature, sixty cents for each days service as aforesaid.

March 9, 1805.

### Chapter 129.

RESOLVE ON THE MESSAGE FROM HIS EXCELLENCY THE GOVERNOR RESPECTING SURVEY OF THE LANDS BELONGING TO BOWDOIN COLLEGE.

On the representation of the Corporation of Bowdoin College, setting forth that opposition has been made by divers persons to the survey of certain lands owned by said corporation in the County of Lincoln, and praying the aid of Government to protect them in the survey of said lands.

*Resolved*, that if the surveyor who may be duly appointed by the Corporation of Bowdoin College, to run and ascertain the boundary or other lines of any lands belonging to said corporation in the County of Lincoln, shall meet with opposition in the regular discharge of the business assigned him, either by the Settlers on the said lands, or on land contiguous thereto, by threatening the said surveyor, or other persons employed by said corporation in the execution of said survey, or by persons collecting together, with or without arms with intent to interrupt and hinder said survey, so that the said surveyor shall think it dangerous

\* Chapter 127 is a message from the Governor stating his objections to a Resolve of March 7th, and will be found among the messages.



for him to enter upon and prosecute said work, that he shall forthwith represent the same to the Governor, who, with the advice and consent of the Council, is requested immediately to order out such military force, from the militia of the same [or] of either of the adjoining Counties, as shall be sufficient to protect said surveyor, and enable him to accomplish the survey of the lands aforesaid; and that the Governor, with the advice and consent of Council be empowered to issue his warrant on the treasurer of the Commonwealth, for the payment of the Militia which may be ordered out as aforesaid, who shall be entitled to the same pay as by law is provided for the Militia when in actual service.

And, whereas the Goal in the county of Lincoln, has heretofore by force been opened and several persons liberated therefrom, who were then confined under a charge of having riotously prevented the running the lines between lands of the Commonwealth and the lands Claimed by other persons, and corporations; therefore,

*Be it further resolved*, that if any person or persons shall forcibly resist and oppose the said surveyor or his assistants, in running the lines mentioned in the foregoing resolve, it shall be the duty of all officers, both civil and military, and they are hereby required to seize, take, and arrest such person or persons, and him or them safely keep, and forthwith have before some Justice of the Peace for said county of Lincoln, for examination; and it being made to appear to such justice, that the person or persons so brought before him, were concerned and engaged in opposing as aforesaid the said surveyor or any of his assistants, it shall be the duty of such Justice, and he is hereby authorised and required to make out his warrant, directed to the sheriffs of the counties of Lincoln and Cumberland and their deputies, and the Keeper of the Goal in said County of Cumberland, whereby the said Sheriffs and their deputies shall be respectively required safely to keep such person or persons, and him or them convey to said Goal; and whereby the keeper of said goal shall be required to receive such person or persons, and him or them safely keep and confine in said goal, without bail or mainprize, until the end of the then next term of the Supreme Judicial Court, that shall be holden within and for said county of Lincoln, next after such person or persons shall be confined as aforesaid, and the Justices of said Court on application from the

Attorney or Solicitor General, may, by warrant, directed to all proper officers, order such person or persons to be taken from said goal, and conveyed into said county of Lincoln, and in the goal thereof to be safely kept, so that he or they may be held to answer to any matter or thing which may be alledged against him or them, at such term of said court; or may at such term in said county of Lincoln order such persons, or any of them, to be released and discharged from said confinement. And on conviction of any such person of such offence as aforesaid, the Justices of said Supreme Judicial Court may, and are hereby authorised to order such convict to be confined in the goal of any county within this commonwealth, any law, usage or custom to the contrary notwithstanding. *Provided nevertheless*, that the said Supreme Judicial Court at any term thereof, in any county, or any one or more Judges thereof in the vacation, may bail any person committed as aforesaid, before conviction, at their discretion whenever the circumstances of the case shall appear to require it.

*And be it further resolved*, That the Secretary of this commonwealth be, and hereby is required, to cause the foregoing resolves to be published in the Kennebec Gazette printed at Augusta, in the Eastern Repository printed at Wiscasset and in the Portland Gazette and Eastern Argus printed at Portland as soon as may be, and continued therein six weeks successively; and that the said Secretary transmit an attested copy of the foregoing resolves to the Selectmen of the towns of Bowdoin and Lisbon.

*March 9, 1805.*

### Chapter 130.

RESOLVE ON THE PETITION OF AARON DWINEL, AUTHORIZING THE GOVERNOR, WITH ADVICE OF COUNCIL, TO ESTABLISH A COMPANY OF CAVALRY IN THE TOWN OF MINOT AND ADJACENT TOWNS.

On the petition of Aaron Dwinel, praying for leave, to establish, a Company of Cavalry, in the Town of Minot & Towns adjacent, in the County of Cumberland.

*Resolved*, That his Excellency the Governor, with advice of Council be and hereby is authorised, to establish the Company of Cavalry in the said Towns of Minot &c. that has allready assoc[i]ated and been raised agreeable to the Act of Congress passd 28 May 1798, authoriseg. the then President, of the United States, to raise a provisional Army — to be annexed to the Squadron of Cavalry in the

second Brigade, of the Sixth Division of the Militia of this Commonwealth, Subject however to all such rules, regulations and restrictions, as are or may be by Law, provided for regulateg. and gover[n]ing the Militia of this Commonwealth.

March 12, 1805.

### Chapter 131.

RESOLVE ON THE PETITION OF DANIEL CONEY, AUTHORIZING THE COURT OF GENERAL SESSIONS OF THE PEACE TO GRANT SUCH ALLOWANCE, IN ADDITION TO HIS FEES, AS THEY MAY JUDGE REASONABLE.

On the petition of Daniel Coney, Judge of Probate for the County of Kennebec, stating that his present allowance is not an adequate compensation for his services; and it appearing that the same is insufficient therefore,

*Resolved*, that the Court of General Sessions of the Peace for said county, be and hereby are authorised and empowered to make the Judge of Probate for said county, for the time being, such allowance for his services, in addition to the fees that are or may be established by law, as they may Judge reasonable and Just, to be paid out of the treasury of the said county. *Provided, however*, that such allowance together with such fees shall not exceed the sum of three hundred dollars per annum.

March 12, 1805.

### Chapter 132.

RESOLVE FOR AN EQUITABLE DIVISION OF THE SUM LAID ON THE PLANTATION OF INDUSTRY BY THE LAST VALUATION, SAID PLANTATION HAVING BEEN INCORPORATED INTO THE TOWNS OF INDUSTRY AND MERCER.

Whereas by the last Valuation the Plantation of Industry was charged with the payment of Thirty Three Cents on One Thousand Dollars, and whereas said Plantation has since been incorporated into two distinct Towns by the Names of Industry and Mercer; and the Selectmen of said Towns have petitioned this Court for an equitable division of said Sum: Therefore

*Resolved* that the Sum of eighteen Cents part of the thirty three Cents aforesaid be charged to the Town of Industry and fifteen Cents being the remaining part of the thirty three Cents aforesaid be charged to the Town of Mercer, which Sums are respectively to be considered as their equal and Just proportion in all future taxes and the Treasurer in issuing his warrants for taxes, is required to govern himself accordingly.

March 12, 1805.

### Chapter 133.

RESOLVE ON THE PETITION OF CHARLES HUNT AND IRA BUSH, EMPOWERING THE JUSTICES OF THE SUPREME JUDICIAL COURT TO AWARD THEM SUCH SUM OR SUMS AS THEY OUGHT TO RECEIVE.

The Committee of both Houses, to whom was referred the Petition of Charles Hunt, praying to be paid certain Sums of money, which he expended in detecting a fraud, committed by Willard How, Seth King, and Thomas Fobes, and likewise to be paid for his Services in that business, as is set forth in his Petition, report the following resolve, which is submitted.

WM. HULL *pr order.*

*Resolved*, That the Justices of the supreme Judicial Court, award to the said Charles Hunt & Ira Bush and any other Persons, who aided in detecting the fraud referred to in said Petition, such Sum, or Sums, as in their opinion, they ought to receive, for their agency in detecting the fraud aforesaid — And that the Sum or Sums, which shall be awarded, be paid out of the Treasury of this Commonwealth, by a warrant from the Governor & Council. *Provided* the Sum, or Sums to be awarded shall not exceed the Sum received by the Government on the forfeiture of the recognizance of the said Thomas Fobes, after deducting all the expences attending the Prosecution.

*March 12, 1805.*

### Chapter 134.

RESOLVE ON THE PETITION OF SAMUEL WILLINGTON, JUN. AND OTHERS, AUTHORIZING THE GOVERNOR, WITH ADVICE OF COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWN OF WALTHAM.

On the petition of Samuel Willington Jnr. and others, praying for leave to raise a Company of Light Infantry, in the Town of Waltham within the first Regiment, first Brigade and third Division of the Militia of this Commonwealth.

*Resolved*, That his Excellency the Governor with advice of Council, be and hereby is authorized to raise by Voluntary Inlistment a Company of Light Infantry, in the Town of Waltham in the first Regiment, first Brigade and third Division of the Militia of this Commonwealth, which Com-

pany shall be annexed to said first Regiment, and subject to all such rules, regulations and restrictions as are or may be provided by Law, for regulateing and governing the Militia of this Commonwealth. *March 12, 1805.*

### Chapter 135.

RESOLVE FOR PUBLISHING THE LAWS OF THIS COMMONWEALTH WHICH HAVE BEEN ENACTED AND PASSED SINCE NOVEMBER, 1800.

*Resolved* that the Committee appointed by a Resolve of the ninth of February 1803, to contract for the printing a new Edition of the private and special Acts of this Commonwealth — Be and hereby are further directed to include in said Edition all such further Acts of the above description, which have been passed since the Resolve aforesaid, or may be passed during the present Session of the General Court, with a separate Index to each Volume, of the contents thereof, to be arranged in such manner, as said Committee shall judge to be most useful.

*And be it further Resolved*, that said Committee be and hereby are authorized to contract for the printing a third Volume of the public or general Laws of the Commonwealth, which have been passed since November 1800 — including those which may be passed during the present Session, with an Index to such Volume of its contents only — and to superintend the printing of the same — The Type, paper and printing and size of the Volume to correspond as nearly as may be, to the Volumes published in the year 1800 — the whole to be bound & Lettered on the back — the private & Special Acts to be distinguished by the word — Special — And if the General Laws so directed, to be published should not be sufficient to constitute a Volume of suitable size, the said Committee are hereby authorized to prepare an Appendix thereto containing such Extracts from the first Book of the old Colony of Massachusetts, as in the Judgement of said Committee it shall appear most important to publish and preserve.

*Be it further Resolved* that said Committee are hereby authorized to agree with the person or persons who may undertake to print the said additional volume of General Laws for One thousand Copies for the use of the Commonwealth, at such price as shall appear reasonable, not exceeding the rate contracted to be given for printing the private Acts now in the press. *March 12, 1805.*

**Chapter 136.**

RESOLVE ON THE PETITION OF THOMAS LOTHROP AND OTHERS, AUTHORIZING THE GOVERNOR, WITH ADVICE OF COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE 2<sup>d</sup> REGIMENT, 2<sup>d</sup> BRIGADE, AND 7<sup>TH</sup> DIVISION OF THE MILITIA.

On the petition of Thomas Lothrop and others, praying for leave to raise a Company of Light Infantry, in the second Regiment, second Brigade, and seventh Division of the Militia of this Commonwealth.

*Resolved*, That his Excellency the Governor with advice of Council, be and he hereby is, authorized to [to] raise by Voluntary Inlistment, a Company of Light Infantry in the second Regiment, second Brigade & seventh Division of the Militia of this Commonwealth which Company shall be annexed to the said Regiment and Subject to all the rules, regulations, and restrictions, as are or may be provided by Law, for regulating and Governing the Militia of this Commonwealth.

*March 12, 1805.*

**Chapter 137.**

RESOLVE ON THE PETITION OF JUDITH SHAW, GUARDIAN TO FRANCIS SHAW, A MINOR, SON OF WILLIAM SHAW, LATE OF QUINCY.

Upon the petition of Judith Shaw, guardian of Francis Shaw a minor Son of William Shaw late of Quincy in the County of Norfolk Esquire deceased.

*Resolved*, that Judith Shaw of Boston in the County of Suffolk widow be and hereby is authorised to join with Judy P. Shaw in the sale of a certain piece or parcel of land lying in Quincy aforesaid containing about eighty acres be the same more or less and bounded as follows viz. Southerly on Plymouth road westerly on land of Jonathan Beal on a division line as it now stands, notherly on a straight line as the fence now stands 'till you come to land of Peter Boylstone Adams easterly by the land of said Adams 'till you come to a brook then running up said brook by land of Edward Hall to Jonathan Newcomb's land then still on said brook by Jackson's Field's land and Joseph Neal Arnold's land 'till you come to the Plymouth road first mentioned. Also the reversion of one undivided half of a piece or parcel of Salt Marsh lying in said Quincy bounded Easterly by Samuel Bass Esqr's. land then north-

erly westerly and southerly by Norton Quincy's land, also the reversion of one half of one other undivided moiety of a piece of land or Cedar Swamp lying in Braintree in said County and bounded westerly by Major Stephen Penman's land, southerly by Nortons Quincy's land, being about Two Acres more or less, formerly owned by Benjamin Beale Esqr. deceased, and also the reversion of one moiety or half of a certain piece of Woodland lying in Milton in said County of Norfolk containing Four acres be the same more or less bounded northerly by land of Rufus Paine, easterly on land of Elijah Pope southerly on land formerly belonging to Deacon Benjamin Wadsworth deceased, westerly on land of said Elijah Pope or however otherwise bounded or reputed to be bounded with all the privilidges and appurtenances thereto belonging, all the estate late of William Shaw of Quincy deceased which is situated in Braintree Quincy and Milton and occupied by said Judith Shaw as dower in the estate of her late husband the said William Shaw and to execute and deliver good and sufficient deeds in fee simple of said Estate conditioned however that the said Judith Shaw shall dispose of the same at Public Auction after advertising the same two weeks successively in the Columbian Centinel and Independent Chronicle. *Provided also* that said Judith Shaw shall first give bond with sufficient sureties to the Judge of Probate for the County of Norfolk conditioned to pay one half the principal sum which said Estate shall be sold for, to said Francis Shaw, the minor child of said William Shaw his heirs executors administrators or assigns, upon the decease of said Judith Shaw. *March 13, 1805.*

### Chapter 138.

RESOLVE AUTHORIZING JACOB KUHN, MESSENGER TO THE GENERAL COURT, TO DO CERTAIN WORK ABOUT THE STATE HOUSE.

*Resolved* that Jacob Kuhn Messenger to the General Court be, & he hereby is authorized & directed, to procure a fence to be erected on the Southwesterly line of the State House Yard, with the same kind of Materials as the fence on the other sides of the same yard is constructed, & also to cause to be made such repairs of the slating on the top of the State House as may be found necessary; and also to cause the side walk to be continued round on the northerly side of the yard, as far as the same extends. And that

there be allowed & paid out of the Treasury of this Commonwealth to the said Jacob Kuhn, for the purpose aforesaid the sum of five hundred dollars, he to be accountable for the same.

*March 13, 1805.*

### Chapter 139.

RESOLVE AUTHORIZING THE TREASURER TO BORROW THIRTY THOUSAND DOLLARS OF THE UNION AND BOSTON BANKS.

Whereas The Treasurer of this Commonwealth has represented, that the State of the Treasury may make it necessary, for him to borrow Thirty Thousand Dollars :

*Be it therefore Resolved*, That the Treasurer of this Commonwealth be, & he is hereby authorized & directed, to borrow of the Union & Boston Banks, any Sum, not exceeding Thirty Thousand Dollars, that may at any time be necessary, for the payment of the Demands, made on the Treasury ; And that he repay any Sum he may borrow, as soon as money, sufficient for that purpose, shall be received into the Treasury, & not otherwise appropriated.

*March 13, 1805.*

### Chapter 140.

RESOLVE RESPECTING THE STATE PRISON.

Whereas the Agents for building the State Prison, have exhibited their Accounts of the expenditures in their said trust, up to the first day of this present month amounting to Fifty four Thousand dollars, w[h]ich have been duly examined and found to be well vouched and right cast : Therefore

*Resolv'd*, That His Honour Edward H. Robbins Esq. Jonathan Hunnewell & Charles Bulfinch Esquires, and the Executrix of the last Will & Testament of Peleg Coffin Esq. deceased, agents for the building the State Prison, be and they hereby are discharged from said sum of fifty-four thousand Dollars, being part of the amount of the appropriation made by a resolve of the 9th March 1804.

*Be it further Resolved*, that there be, and hereby is granted the sum of Thirty Thousand Dollars, to be paid out of the publick Treasury of this Commonwealth to his Honour Edward H. Robbins, Esq. Jonathan Hunnewell & Charles Bulfinch, Esquires, Agents for building the State Prison, to enable them to proceed and finish the same and



for the expenditure of which monies said Agents are to be accountable to this Commonwealth on settlement of their accounts, or whenever called on by the Legislature thereof, & His Excellency the Governour with advice of Council is hereby authorized & requested to issue warrants on the Treasury in favour of said Agents for such parts of the aforesaid grants as shall in the Judgment of the Governor and Council from time to time be thought necessary.

*Be it further resolved* that the Treasurer of this Commonwealth be and he is hereby authorized to borrow such sum or sums of Money of the Union or Boston Banks either or both as he shall find necessary to comply with the above resolve.

*March 14, 1805.*

### Chapter 141.

#### RESOLVE ON THE PETITION OF CORNELIUS BAKER.

On the petition of Cornelius Baker, praying a remission of the forfeiture of three several recognizances for the appearance of John Allison, on which Judgments were rendered against him in favour of the Commonwealth at the Supreme Judicial Court held at Boston, in & for the County of Suffolk A.D. 1803.

*Resolved*, for reasons set forth in said petition, that the forfeiture of said Recognizances be remitted and that the Judgments rendered thereon, be and hereby are discharged: *provided* he the said Cornelius Baker shall pay all the Costs which have arisen on the Writs of *Scire Facias*, which have been issued on said Recognizances.

*March 14, 1805.*

### Chapter 142.

#### RESOLVE ON THE PETITION OF THE TRUSTEES OF HALLOWELL ACADEMY, GRANTING THEM A FOURTH PART OF A TOWNSHIP OF LAND.

On the petition of the Trustees of Hallowell academy, stating that the Academy Hall has lately been consumed by fire:

*Resolved*, That for reasons set forth in said petition that there be, and is hereby granted to the said Trustees of Hallowell Academy, one fourth part of a township of land of six miles square for the use of said Academy, to be laid out and assigned to them in any of the unappropriated lands

in the District of Maine (excepting the ten townships of land on the Penobscot river purchased of the Indians) by the agent or agents of the Commonwealths lands in said District.

*March 14, 1805.*

### Chapter 143.

RESOLVE APPOINTING A COMMITTEE TO REPAIR TO THE SEVERAL DAMS ON NEPONSET RIVER, AND ORDER SUCH ALTERATIONS TO BE MADE IN THE FISH-WAYS AS WILL GIVE FREE PASSAGE TO SHAD AND ALEWIVES.

*Resolved* That Nicholas Tillinghast of Taunton in the County of Bristol Eliphalet Loud of Weymouth in the County of Norfolk & Elijah Turner of Situate in the County of Plymouth Esqrs. be and they are hereby appointed a Committee after giving due notice to the parties to repair to the several dams on Neponset River between the sea and Pauls bridge on said River and order such alterations to be made in the present fish ways through the several dams aforesaid or cause such new fish ways to be made around said dams or either of them as in their opinion or in the opinion of the major part of them shall be sufficient for the passing of Shad and Alewives at the dams aforesaid and if in the first attempt the alterations by them ordered as aforesaid shall prove insufficient to facilitate the passing of said fish they or a major part of them shall repair to the aforesaid dams a second year and order such further alterations to be made as shall appear needfull taking into view at all times the interest of the several Proprietors of mills as well as the importance of the passage of the fish, the expences incured by making the aforesaid alterations shall be bourn one fourth part by the Towns of Stoughton Sharon and Canton and three fourth parts by the respective owner or owners of the dam or dams where such alteration or new way may be made.

*March 15, 1805.*

### Chapter 144.

RESOLVE FOR PAYMENT OF THE COMMITTEE ON ACCOUNTS.

*Resolved* That there be paid out of the publick Treasury of this Commonwealth, to the committee appointed to examine and pass on accounts, for their attendance on that service during the last and present Session, the sums

annexed to their names, in addition to their pay as members of the Legeslature, namely, to the Hon. Isaac Thompson, Esq. to the Hon. Thomas Hale, Esq. for fifty seven days attendance thirty four dollars and twenty cents each ; to [to] the Hon. Bezaleel Taft, Esq. for twenty six days attendance, fifteen dollars and sixty cents, to Stephen Monroe, for thirty days attendance eighteen dollars, to Joseph Titcomb, for twenty one days attendance the present session, twelve dollars and sixty cents, to Colo. Silas Holman for twenty six days attendance the present session fifteen dollars and sixty cents, which sums shall be in full for their services as afforesaid.

*March 15, 1805.*

### Chapter 145.

RESOLVE ON THE PETITION OF JOHN AVERY FOR A NEW TRIAL  
AT THE SUPREME JUDICIAL COURT. .

On the Petition of John Avery of Boston in the County of Suffolk Esqr. praying for a new trial in a certain action on which Judgment was rendered at a Supreme Judicial Court holden at said Boston on the second Tuesday of February 1801, in favor of Nicholas Pike of Newbury Port Esq. against John Avery Junr. late of said Boston Mercht. deceased, for reasons set forth in said Petition.

*Resolved*, that the said John Avery Esqr. be and hereby is allowed to prefer his petition to the Justices of the Supreme Judicial Court now holden or next to be holden at Boston within and for the County of Suffolk, for a new trial of the action aforesaid — and the Justices of said Court be and hereby are authorized to hear and act on such petition, and if they see fit may grant the said John Avery Esqr. a review of said Action, and proceed thereon in all respects as fully and in the same manner as they by Law, might have done, had application been made to said Court within the time by Law prescribed.

*March 15, 1805.*

### Chapter 146.

RESOLVE EXTENDING THE TIME FOR SECURING THE BENEFIT  
OF GRATUITIES GRANTED TO SOLDIERS OF THE LATE CONTI-  
NENTAL ARMY.

Whereas resolves passed March 9th 1801, and June 19th of the same year & also of March 9th, 1804, respecting Soldiers lands, or money in lieu thereof, have expired,

and it is expedient to revive all the aforesaid resolves, and to continue the same in force for some time longer : Therefore —

*Resolved* that the aforesaid resolves be, and the same hereby are revived, & shall continue in force, until the first day of March, which will be in the year of our Lord, 1806. and all persons entitled to any benefit by virtue of said Resolves, or either of them, shall & may receive the same, within said time in as full & complete a manner, as if the said Resolves had not expired.

And whereas doubts have arisen whether the provisions in the said Resolves apply to such soldiers, who after enlisting for the war died in the service before the term of three years service was completed, and also whether such resolves should be construed in favour of the widows & children of such deceased soldiers :

*Resolved* that in every case where a non-commissioned officer or soldier enlisted for & during the war, died in the service before he had completed the term of three years therein, the children of such non-commissioned officer or soldier, if any there be, or otherwise his widow shall be entitled to all the benefits provided and allowed in and by the aforesaid Resolves, or any of them to the soldiers of the late Revolutionary army, their children or widows any thing in said Resolves or any of them to the contrary notwithstanding. *March 15, 1805.*

### Chapter 147.

RESOLVE APPOINTING WILLIAM SMITH, ESQ. AN AGENT ON EASTERN LANDS.

*Resolved*, that William Smith Esqr. be, and hereby is appointed an Agent for this Commonwealth, relative to the subject of Eastern lands in the District of Maine, in the room of the Hon. Peleg Coffin Esqr. deceased, and the said Smith, together with the Hon. John Reed Esqr. are hereby authorised and required, until the further order of the General Court, to fulfil and perform all the bargains and contracts which, John Reed and Peleg Coffin Esqrs. were empowered and required to do, by a resolve of the General Court, passed June 19th 1801, or that may have been enjoined upon that committee by any subsequent resolves.

*March 15, 1805.*

**Chapter 148.**

RESOLVE GRANTING AN ADDITIONAL ALLOWANCE TO JACOB KUHN, MESSENGER TO THE GENERAL COURT.

On the petition of Jacob Kuhn Messenger of the General Court, praying for some Additional Compensation for his Services.

*Resolved* for reasons set forth in said petition, that there be allowed and paid out of the Treasury of this Commonwealth to Jacob Kuhn the sum of One hundred and fifty dollars, for the present year, commencing the thirtieth day of May 1804 to be in addition to the Annual sum of six hundred Dollars heretofore allowed him.

*March 15, 1805.*

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**Chapter 149.**

RESOLVE PROVIDING FOR PAYMENT OF PREACHER OF THE THE NEXT ELECTION SERMON.

*Resolved* that the Gentleman who shall preach the Election Sermon on the last Wednesday of May next, shall be allowed and paid out of the Treasury of the Commonwealth, the Sum of Fifty Dollars.

*March 15, 1805.*

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**Chapter 150.**

RESOLVE FOR THE PAYMENT OF CHAPLAINS AND CLERKS OF THE LEGISLATURE.

*Resolved*, That there be allowed & paid out of the Treasury, to the Revd. William Emerson Chaplain of the Senate, & to the Revd. John T. Kirkland Chaplain of the House of Representatives the sum of sixty dollars, respectively — to Wendell Davis Clerk of the Senate & to Nicholas Tillinghast Clerk of the House of Representatives the sum of three hundred & fifty dollars, respectively, in full for their services as aforesaid, for the present year.

*March 15, 1805.*

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**Chapter 151.**

RESOLVE GRANTING 238 DOLLARS TO THOMAS WALCUTT FOR HIS SERVICES.

*Resolved* that two hundred & thirty Eight dollars be allowed and paid out of the Treasury to Thomas Wallcut, which in addition to one hundred dollars heretofore received by said Wallcutt is in full for his services in writing for the house of Representatives the present year.

*March 16, 1805.*

## Chapter 152.

RESOLVE FOR THE PAYMENT OF THE ASSISTANT CLERK OF THE SENATE.

*Resolved*, that there be allowed and paid out of the public Treasury to Samuel Foster McCleary, assistant Clerk of the Senate, Two hundred Dollars, in full for his services aforesaid the present year. *March 16, 1805.*

## PAY ROLL NO. 52.

The Committee on Accounts, having examined the several accounts they now present :

*Report*, That there are due to the corporations and persons hereafter mentioned, the sums set to their Names, respectively ; which, when Allowed and paid, will be in full discharge of the said accounts, to the several dates therein Mentioned.

Which is respectfully submitted.

ISAAC THOMSON *pr. order.*

*Pauper Accounts.*

	Dolls.	Cts.
To the Town of Adams for boarding, and Clothing Freeman Blakely, and Catharine an Indian & Susannah Camp to Jany. 29th 1805 . . . . .	170	11
To the Town of Ashburnham for Supplies for the Support of John Franklin and wife to Jany 25th 1805 . . . . .	29	28
To the Town of A[n]dover for boarding, Cloathing, Nursing and Doctoring Patrick Kalaham to Feby. 2d. 1805 . . . . .	83	93
To the Town of Abington for Supporting & Cloathing Mararet Benner to Jany. 1st 1805 . . . . .	28	69
To the Town of Boston for supporting, Cloathing, Nursing Sundry paupers to December 1st 1805 . . . . .	2687	25
To Joseph Barrett Keeper of the Goal at Concord for boarding, Cloathing, and Nursing sundry poor prisoners, confined Goal for debt, in full to Feby. 18th 1805 . . . . .	115	42
To the Town of Boxford for Boarding, & Cloathing Mehit-able Hall to Jany. 2d. 1805 . . . . .	58	57
To the Town of Barre boarding & Cloathing John C. Dandarick to Jany. 6th 1805 . . . . .	39	23
To the Town of Berwick for supporting Ambrose Vickery to Feby. 1st 1805, including Doctrs bills . . . . .	83	94
To the Town of Barnstable for supporting, Cloathing & Doctoring John Larabee to Jany. 7th 1805 . . . . .	397	38
To the Town of Brookfield for boarding, Cloathing and Do[c]toring Luke Phinney, William Johnson & George Baslington to Jany. 1st 1805, and Cato Kinn to November 26th 1804 . . . . .	108	62

	Dolls. Cts.
To John Balcom for supporting & Cloathing Richard Pomeroy to Jany. 1st 1805 . . . . .	81
To the Town of Billerica for supplies for William Love and his family to Jany. 30th 1805 including Doctors bills . . . . .	91 23
To the Town of Brimfield for boarding & Cloathing John Wakeley to Jany. 7th 1805 . . . . .	48
To the Town of Beverly for boarding and cloathing Morris Nash & Mathias Claxton to Jany. 31st 1805 . . . . .	136 45
To the Town of Boxborough for boarding & cloathing John Kennedy to Jany. 1st 1805 . . . . .	45 85
To the Town of Brookline for supplies, Nursing & Doctoring Jacob Harvey to Feby. 16th 1805 . . . . .	150 75
To the Town of Bridgewater for boarding & cloathing Henery Ash, to Oct. 11th 1804 — Michael Pendergrass to May 18th 1804, Benjamin Palmer to Feby. 11th 1805, and William Blackdy to Jany. 19th 1805 . . . . .	127 23
To the Board of Hea[t]h of the Town of Boston for boarding, Nursing & doctoring sundry Paupers on Rainsford Island including funeral charges, to Feby. 28th 1805 . . . . .	611
To the Town of Cape Elizabeth for boarding, cloathing, Nursing & Doctoring James Ramsbottom & George J. Hayes to Jany. 10th 1805, and Betty Carrel to her death including her funeral charges . . . . .	123 80
To the Town of Charlton for supporting, cloathing & Doctoring Thomas Adams to Jany. 1st 1805 . . . . .	61 32
To the Town of Charlestown for boarding, cloathing & Nursing sundry Paupers in full to Jany. 21st 1805, including the funeral charges of John Crane . . . . .	159 52
To the Town of Chelmsford for supplies for Catharine McClenny to Feby. 11th 1805 . . . . .	24
To the Town of Concord for supporting and Nursing George Black to May 8th 1804 and William Shaw including cloathing to Jany. 21st 1805 — and Silas Gill & John Champney to their death including Doctoring & funeral charges . . . . .	186 53
To the Town of Colerain for boarding & cloathing William Wilson, Rachel Carr, & Benjamin Cartrall to Jany. 1st 1805, and supplies for Henery Rodgers & family . . . . .	125 88
To the Town of Charlemont for supplies for Abraham Bass to Jany. 31st 1805 . . . . .	46 33
To the Town of Carlisle for boarding & cloathing Mathew Jemmison & Robert Barber to Jany. 19th 1805 . . . . .	104
To the Town of Conway for supplies & Doctoring John Allen to Jany. 16th 1805 . . . . .	37 51
To the Town of Dartmouth for boarding, cloathing & doctoring John Quannawill to Jany. 1st 1805 and John Piquit to the time of his death including funeral charges . . . . .	118
To the Town of Danvers for boarding & cloathing Jerusha Bird, & John J. Hires to Feby. 6th 1805 . . . . .	116 99
To the Town of Deerfield for boarding, cloathing & doctoring Eunice Converse to Feby. 28th 1805 . . . . .	55 75
To Samuel Dogget keeper of the House of Correction in the Town of Dedham for boarding & Cloathing James Hatchel, John Smith & John Williams to August 22d 1804 Including Doctors bill . . . . .	65 55
To the Town of Dover for boarding & cloathing Patrick Cowen to Feby. 19th 1805 . . . . .	63

	Dolls. Cts.
To the Town of Dorchester for boarding cloathing and Nursing James Hitchard, & three children of Rebecca Welch to Feby. 20th 1805, and John McKellar to his death including Doctors bill and funeral charges . . .	152
To the Town of Dunstable for boarding, clothing and Doctoring Margaret Lane to Feby. 14th 1805 . . .	42 31
To the Town of Dedham for boarding & Cloathing Eleanor Carrel to Jany. 1st 1805 and Thomas Walsh to July 20th 1804 . . .	62 36
To the Town of Egremont for boarding & cloathing Mary Daly & her three Idiot children to Jany 1st 1805 . . .	244
To Constant Freeman for taking care of the states poor in the poor House in Boston to December 1st 1804 . . .	197 38
To the town of Falmouth for supporting John Quanwell including Nursing & Medicine to the time of his death and funeral charges . . .	61 81
To the Town of Gill for boarding, cloathing & Doctoring Peter Mange & Sarah Hamilton to Jany. 16th 1805 . . .	110 50
To the Town of Great-Barrington for boarding & cloathing Isaac Catharine & Mary Hoose & Tom a Negro to Decr. 30th 1804 & for boarding Joshua Wheeler six weeks & removing him to Connecticut where he belonged . . .	207 19
To the Town of Gloucester for boarding, Cloathing & Doctoring sundry paupers, to Novr. 10th 1805 . . .	834 89
To the Town of Granby for boarding & cloathing Ebenezer Darwin and John Murry to Jany. 14th 1805 . . .	93 10
To the Town of Greenfield for boarding, cloathing & doctoring James Logan to Jany. 22d 1805 and Unice Converse to April 21st 1804 . . .	117 49
To the Town of Greenwich for supporting John Harrington & his family to Jany. 5th 1805 including funeral charges & Doctrs bills for said Harrington . . .	35 52
To the Town of Groton for boarding, cloathing & doctoring Eunice Bentrodt, Edward McLane, and John C. Wright & his wife to Jany. 10th 1805 . . .	225 67
To the Town of Gorham for supporting & cloathing Robert Gilsfilling to Jany. 18th 1805 . . .	52 75
To the Town of Hardwick for supporting & cloathing David Chamberlain to Decr. 29th 1804 . . .	62
To Joseph Hodgkins keeper of the House of Correction in the town of Ipswich for supporting and cloathing sundry paupers to Jany. 18th 1805, including funeral charges for a man Name unknown . . .	287 62
To Oliver Hartshorn Keeper of the Goal in Boston for supporting John Searl, Thomas Lewis and George Adams poor debtors to Feby. 20th 1805. And Charles Johnson, Richard Cheats, William Hetcher, Charles Lee and John Anse to Feby. 25th 1805 . . .	152
To Caleb Haskell, for doctoring the states poor in the town of Charleston to Jany. 21st 1805 . . .	51 63
To the Town of Hopkinton for supporting and cloathing James Roach to Feby. 11th 1805 . . .	52
To the Town of Haverhill for boarding, doctoring, and funeral charges, for Joseph Holland and Daniel Web to their deaths, and boarding and Cloathing Philip Shea to March 19th 1804 . . .	133 59
To the Town of Holliston for boarding, & Cloathing Silence Cook to Feby. 25th 1805 . . .	76 50



	Dolls. Cts.
To the town of Hamilton for boarding, cloathing, Nursing and doctoring Molly Mackereff, to Feby. 1, 1805, . . . .	115 36
To the town of Hadley for boarding, cloathing, doctoring & Nursing George Andrews to Jany. 7th 1805 . . . .	104
To the Town of Hallowell for boarding & cloathing Rachel Comings, to Jany. 1st 1805 and George Frost to the same time . . . .	160 50
To the Town of Ipswich for supplies for John Obrian including Dr. Mannings bill to March 1st 1805 . . . .	21 68
To the Town of L[e]yden for supporting and doctoring Jedidiah Fuller and family to Feby. 11th 1805 . . . .	141 56
To the Town of Lynn for boarding, cloathing and doctoring John Battis, Ebenezer Breed & Nancy Leonard to Feby 8th 1805 and John Brown, to August 12th 1804 . .	133 19
To the Town of Limington for boarding, cloathing & Nursing John Orion to Jany. 7th 1805 . . . .	61 91
To the Town of Lunenburg for boarding & cloathing Simon Cox to Octr. 17th 1804 and John Kelly to Jany. 13th 1805 & George W. Chute to Jany. 15th 1805. . .	103 82
To the Town of Linco[l]nville for boarding, cloathing & doctoring Issabella Woodbury & Alexander White to Jany. 26th 1805 . . . .	130 26
To the Town of Lenox for boarding & cloathing Abraham Palmer and son, and Christian Crow to Jany. 24th 1805 .	114 2
To the Town of Leicester for boarding, Nursing & doctoring David Green to September 14, 1804 . . . .	26 59
To the Town of Lincoln for boarding and cloathing Thomas Pocok to Feby. 1st 1805 . . . .	72 40
To the Town of Littleton for boarding, Nursing & doctoring Jonathan G. Davis to his death including funeral expences — and Supplies for Richard Crouch to Feby. 12th 1805 . . . .	85 83
To the Town of Long-Meadow for supplies for John Spender & wife to Jany. 21st 1805 and boarding, Nursing & doctoring Hannah Melross to Jany. 25th 1805 . .	84 45
To the Town of Lancaster for boarding, cloathing & doctoring, Pedro Marshall to his death including funeral charges . . . .	36 55
To the Town of Mendon for boarding, clothing & doctoring Polly Dixon to the time of her death including funeral charges, and Robert Ellison to Novr. 25th 1804 & John Hunt to Jany. 10th 1805 . . . .	142 98
To the Town of Malden for boarding, Nursing & doctoring Mary, a black woman to her death including funeral charges . . . .	35
To the Town of Milton for Supporting Thomas Webster to Feby. 5th 1805 . . . .	87 72
To the Town of Medway for boarding & clothing Benjamin Palmer to March 9th 1804 . . . .	20 54
To Marshpe Plantation for boarding & clothing Catharine Asher, Elizabeth Isaacs, Silvee Linsey and Quash Bulkin to Jany. 10th 1805 and George Holmes to the time of his death including funeral charges . . . .	404
To the Town of Marblehead for boarding, Clothing & doctoring sundry paupers, to Feby. 6th 1805 including funeral charges for Richard Thompson . . . .	430 17
To the Town of Marlborough for boarding, clothing & doctoring Joseph Waters to Feby. 2d 1805 . . . .	71 3

	Dolls. Cts.
To the Town of Manchester for boarding & cloathing Thomas Douglass & Catty Grovely to Feby. 2d 1805 . . . . .	125 74
To the Town of Methuen for supplies for Thomas Pace to Feby. 14th 1805 including Doctrs bill . . . . .	53 45
To the Town of Newton for boarding & cloathing William Buzzard to Feby. 4th 1805 . . . . .	81 20
To the Town of Newbury for boarding, cloathing, doctoring & nursing sundry paupers, to Jany. 1st 1805, including funeral charges for John McKemick . . . . .	799 27
To the town of North-Hampton for boarding cloathing & doctoring William Welsh, Patience & Frederic Smith, and supplies for John Ellis to Feby. 1st 1805 . . . . .	117 4
To the town of New-Salem for supporting Olive Bedient & Children including Nursing to Jany. 15th 1805 . . . . .	40
To the Town of Northborough for boarding, clothing & doctoring William Lineahan to Feby. 6th 1805 . . . . .	63 36
To the Town of Northfield for boarding & clothing Neil McArther to Jany. 12th 1805 . . . . .	11 2
To the Town of North-Yarmouth for boarding, clothing & doctoring William Elwell to Jany. 1st 1805 . . . . .	98 86
To the Town of Nantucket for boarding, cloathing Nursing & doctoring Hannah Gray, Casto, James Plato, & Vinah his wife, Dickey and Fillis his wife, to Jany. 15, 1805 . . . . .	196 30
To the Town of Newbury-Port for boarding, clothing Doctoring & Nursing Sundry state Paupers to Decr. 31st 1805 including funeral charges for Anna Raymond & John Pierce . . . . .	1149 69
To the Town of Oxford for boarding & clothing Catharine Jordan to Jany. 1st 1805 . . . . .	58 84
To the Town of Plymton for boarding, clothing & doctoring, Simon Brow to March 22d 1804 including funeral charges, and Hannah Mitchill to April 2d 1804 . . . . .	174 1
To the Town of Pittsfield for boarding and clothing Mary Welch to Jany. 12th 1805 and for boarding, Nursing, doctoring & burying Fortune Gomer . . . . .	87 89
To the Town of Pepperrillboro for boarding, clothing and Nursing Elizabeth Carew to the time of her death including funeral charges . . . . .	23
To the Town of Palmer for boarding, clothing & doctoring William Mendom to Jany. 8th 1805 . . . . .	45 42
To the Town of Portland for boarding, cloathing & doctoring, sundry paupers to Jany. 1st 1805 . . . . .	686 25
To the Town [of] Plymouth for boarding, Nursing & Doctoring John Convail to March 21st 1805 . . . . .	21 56
To the Town of Rowley for boarding, clothing doctoring & Nursing, Hannah Harris & Elle Collins to Jany. 1st 1805 . . . . .	61 1
To the Town of Roxbury for boarding, clothing, Nursing & doctoring sundry paupers to Jany. 3d 1805 . . . . .	252 20
To the Town of Sutton for supporting Christopher Ambler to Feby. 1st 1805 including Doctors bills and funeral charges . . . . .	105 40
To the Town of Shirley for boarding & cloathing Simon Cox to Feby. 14th 1805 . . . . .	24 75
To the Town of Salem for supporting sundry persons including clothing, doctoring & funeral charges to Jany. 1st 1805 . . . . .	1096 79

	Dolls. Cts.
To the Town of St. George for boarding and clothing, Robert Hawes, & Elenor Mathers to Jany. 1st 1805 and William Long to May 23d 1804 . . . . .	116 74
To the Town of Scituate for boarding & clothing Mary Corlew to Feby. 3d 1805 and Ellis Bigsbee to Sepr. 21st 1804 . . . . .	102 71
To the Town of Sharon for boarding, clothing and doctoring Stephen Flood to Jany. 24th 1805 . . . . .	83 86
To the Town of Springfield for boarding & clothing John Padley to Deer. 24th 1804 and Supplies for Hendreck Wilner to his death including funeral charges . . . . .	93 88
To the Town of Sandisfield for boarding clothing and doctoring Susannah Ward & her three Children & removing them out of the Commonwealth . . . . .	54 10
To the Town of Stoneham for supporting William Barton and Henry Clamrod to Jany. 16th 1805 . . . . .	75 40
To the Town of Sherburn for Supplies for Benjamin Houghton to Jany. 29th 1805 including Doctrs. bill . . . . .	45 26
To the Town of Southwick for supporting George Reed to Jany. 1st 1805 . . . . .	57 20
To the Town of Swansea for boarding, and cloathing Deborah Blinkins, Sarah Robbins child and Manuel Dunsnips to Jany. 19th 1805 . . . . .	56 8
To the Town of Stockbridge for boarding, clothing, Nursing doctoring Samuel Haney, Joseph Grant Sarah Hosford, Mary Kinsley, Suley and Pute his wife & Peggy Robbins to Deer. 1st 1804 . . . . .	215 81
To the Town of Stoughton for boarding, Nursing & doctoring Henery Ash to Deer. 20th 1804 . . . . .	13 69
To the Town of Scarborough for boarding & Nursing Cornelius Perrey from May 6th 1804 to the time of his death including funeral charges . . . . .	17 4
To the town of Topsham for boarding, Nursing and funeral charges for Vollentine Egen . . . . .	17
To the Town of Tyringham for boarding & clothing Ralph Way to Jany. 1st 1805 and Anna Webster, & family to the same time . . . . .	110 22
To the Town of Troy for boarding & clothing Francis Brow to Feby. 21st 1805 . . . . .	101
To the Town of Uxbridge for boarding and clothing Betty Trifle & David Mitchel to Jany. 18th 1805 . . . . .	214 20
To the Town of Wrentham for boarding, clothing & doctoring Peggy Taylor to April 2d 1804 and Betsey Taylor to Jany. 1st 1805 and Comfort Lawton to Octr. 1st 1804 . . . . .	131 61
To the Town of Watertown for boarding, and nursing John Mason to the time of his leaving the Commonwealth . . . . .	15
To the Town of Wilmington for boarding and clothing Rosanna a Negro girl to Feby. 1805 . . . . .	60 81
To the Town of Warren for supporting Willm. Moarman to Jany. 4th 1805 . . . . .	52
To the Town of Westport for boarding & clothing Patience Sydnal to Jany. 23d 1805 . . . . .	25 27
To the Town of Winthrop for boarding and cloathing William Gaskell to Jany. 2d 1805 . . . . .	62 98
To the Town of Walpole for boarding, clothing & doctoring & Nursing Sally Davis to Jany. 1st 1805 and John Hancock to his death including funeral charges . . . . .	98 41

	Dolls. Cts.
To the Town of Western for boarding & clothing John Swaney, to Jany. 20th 1805 . . . . .	62 22
To the Town of Westborough for boarding clothing & doctoring John Scudemore to the time of his death including funeral charges . . . . .	89 92
To the Town of Williamstown for boarding, clothing & doctoring Morris Fowler, & Rachel Galutia to Jany. 30th 1805 . . . . .	116 22
To the Town of Windsor for boarding & clothing Henry Smith & wife to Jany. 15th 1805 . . . . .	59 83
To the Town of Westfield for boarding, Clothing & doctoring William Davis to Jany. 1st 1805 . . . . .	68 48
To the Town of West-Springfield for boarding, clothing & doctoring William Bell, Anna Pattee, Godfrey Wagoner & Sarah Felt & her two Children to Jany. 11th 1805 . . . . .	185 59
To the Town of West-Stockbridge for boarding clothing & doctoring Elizabeth Durfy, Jane Clark & Lucy Lane to Jany. 1st 1805 . . . . .	151 78
To the Town of Worcester for boarding, clothing & doctoring Peter Willard, Jack Melvin, Luke Duffy & William Joblin to Jany. 1st 1805, & Joseph King to his death, including funeral charges . . . . .	190 25
To the Town of Wareham for boarding & clothing Alexander Frazier to Feby. 14th 1805 . . . . .	82 58
To the Town of Wiscasset for boarding, Nursing & Doctoring John Gibson to August 23d 1804 the time when he went out of the Commonwealth . . . . .	43 37
To the Town of York for boarding and clothing Edward Perkins, and wife, Mrs. Crocker, Jacob Bickum and Mary Perkins and Edward Voudy to Jany. 8th 1805 . . . . .	176 20
Total . . . . .	20637 74

*Militia Accounts.**Courts Martial & Courts of Enquirey, &c.*

	Dolls. Cts.
To William Donnison for his services as Adjutant General to Jany. 1st 1805 . . . . .	633 33
To Ezekiel Day for expences of a Court Martial held at Gor[h]am on the 10th of July 1804 whereof Col. Isaac Lane was President . . . . .	35 17
To George Blanchard for Expences of a Court Martial held at Dedham, Sept. 1804, whereof Col. Arnold Wells was President . . . . .	137 91
To a Court of Enquirey held in April 1804 whereof General Israel Fearing was President . . . . .	43 48
To Seth Field for Expences of a Court of Enquirey held at Brookfield June 28, 1804, whereof Samuel Nelson was President . . . . .	92 45
To Amos Holbrook for the Expences of a Court of Enquirey held at Pittsfield Sept. 29th 1804, whereof he was President . . . . .	17 63
To Samuel M. Thayer for the Expence of a Court Martial held at Boston June 1804 whereof Majr. General Ebenr. Mattoon Junr. was President . . . . .	436 87

	Dolls.	Cts.
To William P. Rider for the Expence of a Court Martial held at Oakham May 1804 whereof Col. John Davis was President . . . . .	148	94
To Benjamin Barratt for his services as a Member of a Court Martial, held at Sturbridge in April 1800, not allowed before, through Mistake . . . . .	2	

*Aid-de-Camps & Brigade Majors.*

To James Ayers for his services to Feby. 1805 . . . . .	46	89
To George Blanchard for his services to Feby. 1st 1805 . . . . .	38	38
To Jeremiah Clapp for his services to Feby. 27th 1805 . . . . .	145	95
To Stephen Dewey for his services to Jany. 15th 1805 . . . . .	34	25
To Ezekiel Day for his services to Jany. 14th 1805 . . . . .	62	40
To Jacob Fisher for his services to Decr. 4th 1804 . . . . .	65	50
To Samuel Howard for his services to Jany. 1st 1805 . . . . .	128	64
To Nathan Howard for his services to Jany. 20th 1805 . . . . .	38	
To Josiah Harris for his services to Decr. 31st 1804 . . . . .	61	5
To William Jeffords for his services to Jany. 1st 1805 . . . . .	122	80
To William Jackson for his services to Jany. 1st 1805 . . . . .	26	79
To Sylvester Osborn for his services to Feby. 8th 1805 . . . . .	45	48
To Joseph Pierce for his services to Jany. 19th 1805 . . . . .	20	40
To William P. Rider for his services to Jany. 2d 1805 . . . . .	45	75
To William Seaver for his services to Decr. 12th 1804 . . . . .	42	28
To Erastus Smith for his services to Feby. 8th 1805 . . . . .	50	44
To Samuel M. Thayer for his services to Feby. 28th 1805 . . . . .	80	30
To Seth Tinkham for his services to Jany. 1st 1805 . . . . .	92	88
To Robert Wheeler for his services to Jany. 1st 1805 . . . . .	51	87

*Adjutants.*

To Elijah Alvord for his services to Jany. 12th 1805 . . . . .	18	85
To Jacob Bishop for his services to Jany. 1st 1805 . . . . .	15	79
To Willard Boyd for his services to Jany. 1st 1805 . . . . .	72	58
To John Beal for his services to Feby. 15th 1805 . . . . .	24	32
To Joseph Brigham Junr. for his services to Feby. 10th 1805 . . . . .	11	79
To George Bass for his services to Feby. 11th 1805 . . . . .	90	63
To Amos Bordman jr. for his services to Jany. 1st 1805 . . . . .	19	27
To George Blake for his services to Jany. 1st 1805 . . . . .	27	68
To William Bridge for his services to Feby. 6th 1805 . . . . .	27	60
To Abner Burt for his services to Jany. 1st 1805 . . . . .	10	37
To Henry C. Brown for his services to Jany. 1st 1805 . . . . .	22	47
To Samuel Clark for his services to Feby. 13th 1805 . . . . .	33	68
To Elias Clough for his services to Jany. 25th 1805 . . . . .	11	53
To Nathaniel Chiever for his services to Jany. 10th 1805 . . . . .	26	9
To Samuel Cooledge for his services to Jany. 30th 1805 . . . . .	12	14
To Isaac Dana for his services to Feby. 5th 1805 . . . . .	12	77
To Walter Dickson for his services to Feby. 1st 1805 . . . . .	22	85
To Russel Dewey for his services to Jany. 1st 1805 . . . . .	19	35
To Jesse Davenport for his services to Jany. 1st 1805 . . . . .	23	50
To Paul Dudley for his services to Jany. 4th 1805 . . . . .	16	64
To Abraham Edwards for his services to Feby. 1st 1805 . . . . .	13	13
To Robert Elwell for his services to Feby. 6th 1805 . . . . .	38	66
To Timothy Frost for his services to Novr. 21st 1804 . . . . .	11	55
To Samuel Field for his services to Jany. 1st 1805 . . . . .	10	80
To Seth Field for his services to Jany. 1st 1805 . . . . .	16	
To William Gould for his services to Jany. 1st 1805 . . . . .	28	40
To Walter Hatch for his services to Feby. 15th 1805 . . . . .	29	46

	Dolls.	Cts.
To Jacob Haskell for his services to Jany. 1st 1805 . . .	27	27
To William Hight for his services to Jany. 25th 1805 . . .	28	57
To Timothy Hopkins for his services to Jany. 24th 1805 . . .	16	34
To Ebenezer Heath for his services to March 1804 . . .	29	35
To Epaphras Hoyt for his services to Jany. 1st 1805 . . .	17	63
To Christopher Hurlburt for his services to Jany. 1st 1805 . . .	27	62
To Amos Jones for his services to Jany. 1st 1805 . . .	44	56
To Cyrus Keith for his services to Jany. 1st 1805 . . .	20	94
To Joseph Kellogg for his services to Feby. 11th 1805 . . .	9	15
To Nathaniel Libbey for his services to Jany. 1st 1805 . . .	23	5
To Benjamin Lincoln for his services to Decr. 24th 1804 . . .	16	8
To John Merrill for his services to Septr. 14th 1803 . . .	48	28
To Tilly Mead for his services to Octr. 1804 . . .	5	80
To Abel Merrill for his services to Jany. 1st 1805 . . .	21	
To Joseph Morse for his services to Jany. 1st 1805 . . .	8	65
To Noah D. Mattoon for his services to Jany. 14th 1805 . . .	23	20
To Herbert Moors for his services to Jany. 2d 1805 . . .	17	61
To Silvester Maxwell for his services to Septr. 27th 1804 . . .	15	36
To John Nye for his services to Feby. 22d 1805 . . .	9	
To Hector Orr for his services to Jany. 1st 1805 . . .	14	93
To Jeremiah Obrien for his services to Novr. 10th 1804 . . .	28	27
To Daniel Osborn for his services to Jany. 1st 1805 . . .	13	50
To Esaias Prebble for his services to Jany. 8th 1805 . . .	22	79
To Abel Phelps for his services to Feby. 1st 1805 . . .	21	70
To Daniel Philbrook for his services to Feby. 1st 1805 . . .	30	75
To John Prince for his services to Feby. 1st 1805 . . .	17	48
To William Pilsbury for his services to Jany. 1st 1805 . . .	11	65
To Samuel Pingree for his services to Novr. 25th 1804 . . .	27	75
To Seth Rose for his services to Jany. 1st 1805 . . .	10	4
To Jotham Stewart for his services to Jany. 1st 1805 . . .	14	
To John Sargeant for his services to Jany. 29th 1805 . . .	16	25
To Quartus Stebbins for his services to Jany. 1st 1805 . . .	17	88
To Henry Sweeting for his services to Jany. 10th 1805 . . .	9	7
To Festus Stebbins for his services to Jany. 1st 1805 . . .	10	65
To Henry Sweet for his services to Decr. 25th 1804 . . .	12	24
To Hazeltine Taft for his services to Jany. 1st 1805 . . .	10	85
To Joseph Tucker for his services to Feby. 29th 1805 . . .	26	78
To Salem Town Junr. for his services to Feby. 29th 1805 . . .	16	20
To John Tucker for his services to Jany. 8th 1805 . . .	4	99
To Ephraim Woodman for his services to Jany. 1st 1805 . . .	9	54
To William C. Whitney for his services to Jany. 1st 1805 . . .	34	75
To Joseph T. Wood for his services to Jany. 1st 1805 . . .	16	63
To Jonathan White for his services to Jany. 1st 1805 . . .	17	26
To William Wardwell for his services to Decr. 26th 1804 . . .	29	53
To James Wight for his services to Jany. 10th 1805 . . .	18	36
To Samuel D. Ward for his services to Novr. 1st 1803 . . .	17	87
To Nathaniel Whittier for his services to Jany. 23d 1805 . . .	8	36

*Expence for horses to haul Artillery.*

To John Allen in full to November 12th 1804 . . .	5	
To Moses Burt in full to Jany. 1st 1805 . . .	3	75
To Thomas Burrell in full to Octr. 4th 1804 . . .	11	
To John Carter in full to Jany. 20th 1805 . . .	12	50
To Christopher Cushing in full to Feby. 1st 1805 . . .	6	25
To George Drew in full to Jany. 25th 1805 . . .	6	
To Joseph Daw in full to Jany. 3d 1805 . . .	5	

	Dolls.	Cts.
To Jesse Doggett in full to Jany. 1st 1805 . . .	12	
To Thomas Danforth in full to Jany. 1st 1805 . . .	12	50
To Pearley Hunt in full to Feby 20th 1805 . . .	5	
To David Hartshorn in full to Octr. 11th 1804 . . .	10	
To Increase Hewins in full to Decr. 6th 1804 . . .	10	
To Oliver Johonnot in full to Jany. 1st 1805 . . .	32	
To Abel Kendell in full to Jany. 1st 1805 . . .	5	
To James Lewis in full to Jany. 1st 1805 . . .	6	
To Elisha Livermore in full to Jany. 20th 1805 . . .	7	50
To Otis Little in full to Jany. 1st 1805 . . .	5	
To James Locke in full to Octr. 4th 1804 . . .	5	50
To John Mather in full to Jany. 31st 1805 . . .	5	
To Gershom Plimpton jr. in full to Jany. 1st 1805 . . .	5	
To John Robinson in full to Jany. 1st 1805 . . .	8	25
To Joshua Russell in full to Jany. 1st 1805 . . .	5	
To Nathaniel Shaw in full to Feby. 19th 1805 . . .	6	25
To John Smith in full to Jany. 1st 1805 . . .	32	
To Barstow Sylvester in full to Jany. 9th 1805 . . .	5	
To Abijah Smith in full to Jany. 1st 1805 . . .	4	50
To Samuel Smith in full to Jany. 1st 1805 . . .	10	
To Josiah Stone in full to Novr. 1st 1804 . . .	12	
To Clark Wilson in full to Jany. 12th 1805 . . .	5	
To Jonathan Wilson in full to Jany. 1st 1805 . . .	10	

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*Sheriffs' Accounts.*

	Dolls.	Cts.
To Edmond Bridge in full for his services to Novr. 29th 1804 . . .	82	80
To Bailey Bartlet in full for his services to Jany. 1st 1805 . . .	22	88
To John Cooper in full for his services to Jany. 1st 1805 . . .	200	48
To Joseph Dimmick in full for his services to Jany. 1st 1805 . . .	38	40
To Ichabod Goodwin in full for his services to Jany. 1st 1805 . . .	40	80
To John Gardner in full for his services to Jany. 1st 1805 . . .	64	80
To Joseph Hosmer in full for his services to Jany. 1st 1805 . . .	32	20
To Arthur Lithgow in full for his services to Jany. 1st 1805 . . .	134	50
To Zephaniah Leonard in full for his services to Feby. 4th 1805 . . .	24	
To Ebenezer Mattoon in full for his services to Jany. 1st 1805 . . .	36	
To George Partridge in full for his services to Jany. 1st 1805 . . .	28	66
To Benjamin Smith in full for his services to Jany. 1st 1805 . . .	42	62
To John Waite in full for his services to Decr. 28th 1804 . . .	89	80

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*Printers' Accounts.*

	Dolls.	Cts.
To Phineas Allen for publishing Acts & Resolves to Jany. 1st 1805 . . .	16	67
To E. W. Allen for publishing Acts & Resolves to August 1st 1804 . . .	16	67
To Adams & Roads for publishing Acts & Resolves to Feby. 20th 1805 . . .	16	67
To William Butlar for publishing Acts & Resolves to Jany. 1805 . . .	33	33
To Henry Brewer for publishing Acts & Resolves in Springfield, to Jany. 1st 1805 . . .	16	67

	Dolls.	Cts.
To Galen & Fay for publishing Acts & Resolves to Decr. 30th 1804 . . . . .	16	67
To Sewall Goodridge for publishing Acts & Resolves to Decr. 1st 1804 . . . . .	16	67
To Young & Minns printers to the Government, for printing finding paper &c. to March 12th 1805 . . . . .	873	28
	<hr/>	
	1006	63

*Convicts' Accounts.*

	Dolls.	Cts.
To Joseph Barrett keeper of the Goal in Concord for dieting, cloathing & Nursing sundry Convicts to Feby. 21st 1805 . . . . .	309	94
To Doctr. John Fleet Junr. for doctoring Convicts in the Goal in Boston to Feby. 26th 1805 . . . . .	26	
To Oliver Hartshorn keeper of the Goal in Boston for dieting & cloathing sundry Convicts to Feby. 20th 1805, including funeral charges for London Light . . . . .	1067	84
To Nathan Heard keeper of the Goal in Worcester for dieting and clothing Eli Page to Jany. 26th 1805 . . . . .	59	30
To Zephaniah Leonard keeper of the Goal in Taunton for clothing & dieting sundry Convicts to Feby. 4th 1805, including Advertizing, Reward, & expences in Apprehending & Returning to said Goal George White one of said Convicts who broke said goal allowed by special order of the General Court . . . . .	308	65
To Dr. Joseph Hunt for Doctoring Convicts in the Goal in Concord to Jany. 2d 1805 . . . . .	27	
	<hr/>	
	1798	73

*Miscellaneous Accounts.*

	Dolls.	Cts.
To Henry Blaney for Materials and labour for Repairs on the State-House to Feby. 25th 1805 . . . . .	220	18
To John Boyle for stationary supply'd Adjutant Generals office to Decr. 31st 1804 . . . . .	114	
To John Chandler for his services as surveyor in the Service of Government to Jany. 1st 1805 . . . . .	34	37
To Samuel Freeman for a Record Book provided for keeping the Records of the Supreme Court holden in County of Cumberland August 1st 1804 . . . . .	8	
To Timothy Goodwin for sundry Articles delivered for repairs and use of the State house to March 1st 1805 . . . . .	46	35
To William Gale Messenger to the Governor & Council, after deducting one hundred dollars Granted him by the General Court . . . . .	2	3
To Jonathan Hastings for postage of public Letters to Decr. 31st 1804 . . . . .	50	43
To Jonathan Jackson, Jr. Esqr. for sundries paid for by him, for the use of his Office and for the Commonwealth's Standard of Weights &c. to March 2d 1805 . . . . .	283	78
To William Smith & the Heirs of Peleg Coffin Esqr. for examining, & adjusting the Treasurers accounts to June 1st 1804 . . . . .	70	
To Thomas Spear for his services in keeping the State Hospital on Rainsford Island to Feby. 14th 1805 . . . . .	44	44



	Dolls. Cts.
To Ephraim Thayer for Repairs for the State House to Feby. 13th 1805 . . . . .	31 75
To Underwood & Sprague for Repairs for the State House to Jany. 13th 1805 . . . . .	13 22
To J. White & Co. for stationary for the General Court & Secretaries Office to Feby. 2d 1805 . . . . .	136 5
To John & Benjamin Wells for Copper Pipes & Trunks and other Materials, and for services in Repairing the State House & well, to Feby. 27th 1805 . . . . .	203 55
To Josiah Wheeler for Materials, and his services in Making improvements & Repairs on the State House to Feby. 8th 1805 . . . . .	108 8
To West & Greenleaf for stationary supply'd the Treasurers Office to Jany. 31st 1805 . . . . .	29 95
To B. & J. Loring for binding books &c. for the Secretaries Office & General Court to Decr. 20th 1804 . . . . .	45 25
To Daniel Cowing for assisting the Messenge[r] to the General Court fifty four days . . . . .	94 50
To Sylvanus Lapham for assisting the Messenger to the General Court fifty five days . . . . .	96 25
	<hr/>
	1632 18

*Aggregate of Roll No. 52.*

	Dolls. Cts.
Expence of State Paupers . . . . .	20637 74
do. Militia . . . . .	4583 26
do. Convicts . . . . .	1798 73
do. Sheriffs . . . . .	837 94
do. Printers . . . . .	1006 63
do. Miscellaneous . . . . .	1632 18
	<hr/>
Total Amount, . . . . .	30496 48

*Resolved*, That there be allowed and paid out of the Public Treasury to the several corporations and persons mentioned in this roll, the sums set against such corporations and persons respectively, amounting in the whole to Thirty Thousand four hundred and Ninety six dollars, forty eight cents the same being in full discharge of the Accounts and demands to which they refer.

*March 15, 1805.*



ACTS  
AND  
LAWS  
OF THE  
COMMONWEALTH  
OF  
MASSACHUSETTS.

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BOSTON:

PRINTED BY YOUNG & MINNS,

PRINTERS TO THE HONORABLE THE GENERAL COURT OF THE COMMONWEALTH.

MDCCCV.

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Reprinted by WRIGHT & POTTER PRINTING COMPANY, State Printers.

1898.



# ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF MASSACHUSETTS, AT  
THE SESSION BEGUN AND HELD AT BOSTON, IN THE  
COUNTY OF SUFFOLK, ON THE TWENTY-NINTH DAY OF  
MAY, ANNO DOMINI, 1805.

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## 1805. — Chapter 1.

[May Session, ch. 1.]

AN ACT TO AUTHORISE HENRY TUCKER AND HIS ASSOCIATES,  
TO BUILD A BRIDGE OVER A SALT CREEK, A BRANCH OF  
APONEGANSET RIVER, IN THE TOWN OF DARTMOUTH.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that Henry Tucker, and such others as have or may hereafter associate with him and them, be, and they are hereby permitted to build a bridge, over a Salt-water Creek, which is a branch of the River called Apponegan-set, in the town of Dartmouth, in the County of Bristol: provided, that the said Bridge shall always be free, and no Toll shall ever be demanded of any passenger for passing the same.*

*Approved June 14, 1805.*

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## 1805. — Chapter 2.

[May Session, ch. 2.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS  
IN THE TOWN OF FITCHBURG, IN THE COUNTY OF WORCES-  
TER, INTO A RELIGIOUS SOCIETY, BY THE NAME OF "THE  
CALVINISTIC CONGREGATIONAL SOCIETY IN FITCHBURG."

*Whereas the Congregational Church in Fitchburg, lately under the Pastoral care of the Reverend Samuel Worcester, now under that of the Reverend Titus T. Barton, together with those who meet with said Church for the Worship of God, have petitioned this Court to be incorporated into a Distinct religious Society, for the reasons expressed in their petition, and it appearing reasonable to this Court that the prayer thereof be granted:*

Preamble.

Incorporating  
clause.

Corporate  
name.

Method of  
joining or leav-  
ing the society.

Provision for  
persons who  
may hereafter  
settle in Fitch-  
burg.

Method of join-  
ing society for  
persons twenty-  
one years of  
age.

Meeting for the  
choice of  
officers.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that the Church aforesaid, and such inhabitants of the town of Fitchburg, as meet with them for the Worship of God, with their polls and estates, be, and hereby are incorporated into a Society by the name of "The Calvinistic Congregational Society in Fitchburg," with all the powers, privileges and immunities which other religious Societies in this Commonwealth are entitled to by Law, they paying the taxes that have already been assessed upon them for the support of public Worship.

SEC. 2D. *Be it further enacted,* that any of the Inhabitants of the town of Fitchburg, who may desire to join said Society, shall have full Liberty thus to do at any time previous to the first day of January one thousand eight hundred & Six; *provided* they signify, in writing under their hand to the Clerk of the said Society, their wish and determination of being considered as members of said society; and they shall accordingly be recorded as such by the Clerk of the said Society. And any member of said Society shall have the right to leave the same at any time before the first day of January One thousand eight hundred & six, by leaving a written determination with the Clerk of said Society, whose duty it shall be to record the same, and such member shall thence afterwards be considered a member of the Society to which he originally belonged.

SEC. 3D. *Be it further enacted,* that if any person who may hereafter settle within the limits of said Town shall be desirous to join the Society aforesaid he shall have full Liberty to do it any time within twelve months from his settlement in the town, by signifying his determination of the same, in the manner pointed out in the second Section of this Act.

SEC. 4TH. *Be it further enacted,* that all young persons within the limits of the town aforesaid, when they become twenty-one years of age, shall have full Liberty, at any time within twelve months after they become twenty-one years of age, to join, with their polls and Estates, either of the said Societies, by signifying their determination in writing to the Clerk of the Society they may desire to join.

SEC. 5. *Be it further enacted,* That Joseph Fox, Esqr. or any other Justice of the Peace in the County of

Worcester, be, and he is hereby authorised to issue his warrant, directed to some member of the said Calvinistic Congregational Society, requiring him to warn the members of the said Society, qualified to Vote in parish affairs, to assemble at some convenient and suitable time and place, as shall be expressed in the said Warrant, to choose such Officers as parishes are, by law required to choose in the month of March or April annually, and to transact all other matters and things necessary for the well being of the said Society.

*Approved June 14, 1805.*

### 1805. — Chapter 3.

[May Session, ch. 3.]

AN ACT TO ENCOURAGE THE ESTABLISHMENT OF A COTTON MANUFACTORY [IN] IN THE TOWN OF REHOBOTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all the buildings which are or may be erected within said town of Rehoboth, by Eliphalet Slack, Oliver Starkweather, Ebenezer Tyler the 2nd, Elijah Ingraham and others, for the purpose of Establishing a Cotton Manufactory in said Town, and all the Materials and Stock to be employed in the Manufacture of Cotton be and they are hereby exempted from Taxes of every kind for and during the term of five years, from and after the passing of [of] this Act and no longer.

Buildings, &c.,  
exempted from  
taxation.

*Approved June 14, 1805.*

### 1805. — Chapter 4.

[May Session, ch. 4.]

AN ACT TO DETERMINE THE TIME OF HOLDING THE COURTS OF GENERAL SESSIONS OF THE PEACE WITHIN AND FOR THE COUNTY OF HAMPSHIRE.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act there shall be two Terms of the Courts of General Sessions of the Peace holden at Northampton, within and for the County of Hampshire, annually, one to be holden on the first Monday after the fourth Monday in August, the other on the third Monday of January.

New terms.

SEC. 2. *Be it further enacted,* That all processes, Matters, and things, returnable or continued to the Court of

Business transferred.

General Sessions of the Peace by law to be holden at Northampton, within and for the County of Hampshire on the fourth Monday of August next, shall be returned to, continued, and have day, in Court, to be holden on the first Monday after the fourth Monday of August next.

SEC. 3. *Be it further enacted*, That all Laws heretofore made to determine the time of holding the Courts of General Sessions of the Peace within and for the County of Hampshire, be, and hereby are repealed.

*Approved June 14, 1805.*

## 1805. — Chapter 5.

[May Session, ch. 5.]

### AN ACT FOR UNITING THE MERRIMACK AND NEWBURY PORT BANKS.

Preamble.

*Whereas the respective Presidents, Directors and Companies of the Merrimack and Newbury Port Banks, have Petitioned this Court for authority to Unite the stocks of the said two Banks:*

Capital stock increased.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that for the purpose aforesaid, the stock of the Newbury Port Bank may be increased in the sum of Two hundred and fifty thousand Dollars; and that the Stockholders of the Merrimack Bank for the time being shall have the exclusive right to subscribe the said sum, in proportion to the respective shares held by them individually at the time of said subscription.

Time for new subscription.

SECT. 2D. *Be it further enacted*, that the presidents of the said two Banks may fix the time when the said subscription shall be made, of which they shall cause public notice to be given in the Newbury port Herald.

Meeting of joint stockholders.

SECT. 3D. *Be it further enacted*, that on the days succeeding the said subscription, there shall be held, at such place in Newbury Port as shall be appointed, by the said Presidents, a meeting of the stockholders of the said joint stock, at which meeting there shall be chosen Nine Directors of the said Newbury Port Bank, who shall continue in Office until the first Monday in October next, on which day, and on the same Day thereafter, annually, there shall be a Meeting of the said Stockholders, & a number of Directors shall be chosen, not exceeding nine,



nor less than seven, and a majority of the directors for the time being shall constitute a Quorum for the transaction of Business.

SECT. 4TH. *Be it further enacted*, that from and after the said Subscription, the President and Directors of the Merrimack Bank shall make no further loans or discounts.

Merrimack Bank to make no further loans.

SECT. 5TH. *And be it further enacted*, that when execution shall issue upon any Judgment recovered against the President, Directors and Company of the Newbury Port Bank, and shall be returned unsatisfied in the whole or in part, the Plaintiff may sue out a *Scire facias* against such persons who were President & Directors of the same Bank, at the commencement of the original Action and are living, to have execution against their goods and estate, & for want thereof upon their bodies, and execution shall be awarded accordingly, with customary damages and costs, unless the Defendants can shew that the said Judgment is satisfied, or that the transactions of the said Bank have been conducted and managed with fidelity, prudence, and Discretion.

In case of executions issued against the Newburyport Bank.

*Approved June 14, 1805.*

## 1805. — Chapter 6.

[May Session, ch. 6.]

AN ACT TO CONTINUE IN FORCE, AN ACT ENTITLED “AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT AND DIRECTORS OF THE NANTUCKET BANK.”

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that the Act entitled “an Act to Incorporate sundry persons by the Name of “the President and Directors of the Nantucket Bank” — which passed the twenty-seventh day of February, in the Year of our[e] Lord One thousand seven hundred and ninety five; also one other act, entitled “an Act in addition to an Act, entitled “an Act to Incorporate sundry persons by the Name of “the President and Directors of the Nantucket Bank,” which passed the first day of March, in the Year of Our Lord One thousand seven hundred and ninety seven, be, and are hereby continued in full force and effect, untill the last Monday of March, which will be in the Year of Our Lord, One thousand eight hundred and six.

Former acts continued.

SECT. 2D. *Provided however and Be it further enacted*, that from and after the first day of July next the said Corporation shall not issue any Bank Bills of a less denomi-

Issue of small bills restricted.

nation than five Dollars, nor any intermediate bills between five and ten Dollars, and thence decimally ; nor shall make any loan upon Monies actually deposited in said Bank for safe-keeping.

Original amount  
of altered notes  
to be paid.

SECT. 3D. *Be it further enacted*, that the said Corporation shall be liable to pay any bona fide holder, the original amount of any note of said Bank, altered in the course of its circulation to a larger amount, notwithstanding such alteration.

Bank may be  
taxed.

SECT. 4TH. *Be it further enacted*, that nothing contained in this Act shall be construed to prevent the Legislature from taxing said Bank at any time hereafter, whenever they shall judge it expedient.

Commonwealth  
may subscribe  
to capital stock.

SECT. 5TH. *Be it further enacted*, that the Commonwealth shall have a right, whenever the Government thereof shall make provision by law, to subscribe to, and become interested in the Capital Stock of said Bank, by adding thereto a sum not exceeding thirty thousand Dollars, subject to the rules, regulations and provisions, to be by them established.

Money to be  
loaned Com-  
monwealth  
when required.

SECT. 6TH. *Be it further enacted*, that whenever the Legislature shall require it, the said Corporation shall loan to the said Commonwealth, any sum of Money, not exceeding twenty thousand Dollars, reimbursable at five annual instalments, or at any shorter period, at the election of said Commonwealth, with the annual payment of Interest, at a rate not exceeding five per centum. — *Provided however*, that said Commonwealth shall never at any one time, stand indebted to the said Corporation, without their consent, for a larger sum than Twenty thousand Dollars.

*Approved June 14, 1805.*

## 1805. — Chapter 7.

[May Session, ch. 7.]

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT TO INCORPORATE A PART OF THE COUNTIES OF YORK & CUMBERLAND INTO A SEPARATE COUNTY, BY THE NAME OF OXFORD."

Certain official  
acts made valid.

SEC. 1ST. *Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same*, That all official acts done before the first day of May, in the year of our Lord one thousand eight hundred and five, by civil and all other Officers of the Counties of York and Cumberland, then living in those

parts of said Counties which are now incorporated into a separate County by the name of Oxford, be, and are hereby confirmed and made valid to all intents and purposes, as though the said County of Oxford had not been incorporated.

SEC. 2D. *And be it further enacted*, That all business commenced in the probate Courts of the said Counties of York and Cumberland respectively, before the incorporation of said County of Oxford, shall be completed by the same Courts, and in the same manner, as though the said County of Oxford had not been incorporated.

Provision respecting probate business.

SEC. 3D. *Be it further enacted*, That the person appointed, or who may be appointed by the Justices of the Court of Common Pleas of said County of Oxford, to discharge the duties of a Clerk of said Court, shall be authorized to discharge the said duties, untill a Clerk of said Court shall be appointed by the Supreme Judicial Court; and shall commence the discharge of the duties of said Office: And the acts and doings of the person appointed, or to be appointed by the Justices of said Court of Common Pleas, as Clerk of said Court, shall, during the time he is hereby authorized to discharge the duties of said Office, be good and valid to all intents and purposes.

Provision relative to clerk of Court of Common Pleas.

SEC. 4TH. *Be it further enacted*, That all Officers in the said County of Oxford, having authority to commit prisoners to Jail, shall be authorized, for the term of two years, to commit their prisoners to any Jail in the County of Cumberland; and the keeper of the Jail in said County of Cumberland, is hereby authorized and required to receive and detain such prisoners. *Provided nevertheless*, That the consent of the Justices of the Court of General Sessions of the peace for the County of Cumberland, shall first be obtained thereto; and that no expense or damage shall accrue therefrom to the County of Cumberland.

Prisoners to be committed to jail in Cumberland Co.

*Approved June 14, 1805.*

## 1805. — Chapter 8.

[May Session, ch. 8.]

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF  
"THE LITTLE HARBOUR CORPORATION, IN MARBLEHEAD."

*Whereas Thomas Elkins, William Storey, Ralph Hill French, Stephen Swett, Nathaniel Hooper, Robert Hooper, John Brown, William Reed, and John D. Dennis, have,*

Preamble.

*in their petition to this Court, represented that the common harbour in Marblehead is very dangerous, and that Vessels at anchor there are very insecure from its exposure to violent Easterly Winds, and that Little Harbour, so called, in said Marblehead, might be made a very safe and convenient harbour, or bason for the Docking of Vessels, and have in their said petition prayed for an Act of incorporation, to enable them to improve the said Little Harbour for the purposes aforesaid; and it appearing that such an institution, under suitable regulations, may be very advantageous, to the Trade and commerce of that place.*

Persons  
incorporated.

Corporate  
name.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Thomas Elkins and Others before-named, and their associates, successors, and assigns, shall be, and they hereby are created a body politic and Corporate, by the name of "The Little Harbour Corporation in Marblehead", and by the name aforesaid may sue and be sued, to final judgment and execution, and may plead and be impleaded in any Court of Record, and in any other place whatever, and may have a common seal, and exercise and enjoy all the rights and powers which are by law incident and belonging to similar corporations, for the purpose of improving the said Little Harbour, together with all the flats, waters, entrances, and privileges comprized between Doliber's Point, so called, on the North, and Gerry's Island, so called, on the South, and thence over the Bar, from Gerry's Island to the main land, to the town's high-way, inclusive of all the flats & waters, to the point first mentioned, to use and improve the same in such a manner, as shall render the same a safe and convenient bason, or Dock for the reception & safe lodgement of Vessels, and for keeping the same in repair; and also to establish and put in execution, such by-laws & regulations as to them shall seem necessary and convenient for the government of the said Corporation & the prudent management of their affairs. — Provided such by-laws be in no wise contrary to the Constitution & Laws of this Commonwealth: and the said Corporation shall always be subject to the rules, limitations, & provisions, herein prescribed.*

Rates of dock-  
age.

SEC. 2. *Be it further enacted, That when the said Little Harbour, shall be made & completed, as a safe & convenient bason or Dock, then the said Corporation shall*

be authorised to extend a boom across the entrance thereto, and shall be entitled to receive from each Vessel entering the same, the following rates of toll or dockage, vizt. For every Vessel under fifty tons thirty cents per day; from fifty & not above one hundred tons, forty cents per day; from One hundred to One hundred & fifty tons, fifty cents per day; from One hundred & fifty, to two hundred tons, sixty cents per day; and from two hundred, to three hundred tons seventy cents per day.

SEC. 3. *Be it further enacted*, That if the said Corporation, their toll-gatherer, or any other person in their employment, shall unreasonably delay or hinder any Vessel from entering the same, or shall ask or receive more toll or dockage than is by this Act allowed, the said Corporation shall forfeit and pay a sum, not exceeding Five hundred Dollars, nor less than fifty dollars, to be recover'd by any person so delayed or defrauded, before any Court in the County of Essex proper to try the same, in a special Action on the Case, the writ in which case shall be served on the said Corporation, by leaving an attested Copy thereof, with the Clerk, Treasurer, or any individual member of the said Corporation, fourteen days, at least, before the return day of said writ, and the said Clerk, Treasurer, or individual member shall be allowed to defend the said suit in behalf of the said Corporation.

Penalty for delaying vessels or exacting illegal toll.

SEC. 4. *Be it further enacted*, That nothing in this Act shall be so construed, as to subject any Schooner or other fishing vessel, which shall make said Dock a place of safety, for and during the usual time, not employed in the fishery in the Winter season, to any toll or dockage as aforesaid, but the owner or owners of such vessel or vessels shall severally pay Eighteen dollars, in lieu of toll or dockage, during the said term, to commence at the usual season, when fishing vessels are laid up for the Winter, which term shall continue to the middle of March; and after the expiration of said term, such vessels shall be subjected to the same toll or dockage, as other vessels.

Dockage for fishing vessels.

SEC. 5. *Be it further enacted*; That said corporation may purchase and hold any land or flats which may impede the prosecution of their said plan, paying to the person holding the same, such damages as shall arise from taking the same, which damages shall be estimated, as in cases of turnpike roads, where the same cannot be obtained by

Corporation may purchase and hold land and to be liable for damages where same is taken without agreement.

voluntary agreement. And whenever the rights and privileges of any person or persons, may be affected by the making of said Dock, the damages arising therefrom, shall be estimated by a Committee appointed by the court of Common Pleas for the County of Essex, saving to either party the right of Trial by Jury, according to the Law which makes provision for the recovery of damages, happening to individuals, by the laying out of highways.

Town allowed  
to take clay and  
gravel from the  
flats.

SEC. 6. *Be it further enacted*, That in consideration of the town of Marblehead having relinquished all their right, title, & interest, in and to the premises aforesaid, the said town shall be, and hereby are allowed, by their Surveyor of Highways, and as by him shall be thought expedient, annually to take from the flats aforesaid, clay and gravel, for the repairs of the Highways in said town, in as full and ample a manner, as though this Act had never been passed; *Provided* the same be done in such a manner, as shall do no injury to the said Corporation.

First meeting.

SEC. 7. *Be it further enacted*, That Thomas Elkins before named, be, and he is hereby authorised to call the first meeting of the said Corporation, by publishing a notification thereof in one or more of the news papers, printed in Salem, ten days prior to said meeting; at which meeting the said Corporation may choose seven Directors, who are hereby authorised to appoint a Clerk, Treasurer, Dockmaster, and such other officers as they may think expedient for regulating the concerns thereof; and may also then & there agree upon a method for calling future meetings. And such elections, and all other questions, shall be determined by a majority of votes, reckoning one Vote to each share; *Provided* that no Proprietor shall have more than ten Votes. And shares in the said Corporation shall be taken, deemed, and considered to be personal estate to all intent and purposes. And the said shares shall and may be transferable, and the mode of transferring said Shares shall be by Deed, acknowledged before any Justice of the Peace, & recorded by the Clerk of the Corporation in a book to be kept for that purpose.

Directors, etc.

Shares to be  
considered  
personal estate.

Corporation  
may be dis-  
solved when  
indemnified  
with interest.

SEC. 8. *Be it further enacted*, That the Legislature may dissolve the said Corporation, whenever it shall appear to their satisfaction that the income arising from said toll or dockage, shall have fully compensated the said Corporation for all their expences in purchasing, making, and keeping in repair the said Dock, together with an Interest thereon at the rate of twelve per centum per annum; and

thereupon the property of the said Dock, shall be vested in the said town of Marblehead, and be at their disposal, under the provisions and regulations of this Act. *Provided*, that if the said Corporation shall neglect, for the space of three years, to make the said improvements, in the said Little Harbour, and to complete the same for a Dock as aforesaid, then this act shall be null and Void.

SEC. 9. *Be it further enacted*, That as soon as may be after the said Dock shall be finished, the said Corporation shall deposit in the Secretary's Office, an account of all the expences thereof; and shall also annually exhibit to the Governor & Council, an account of the income or dividend, arising from the said Dockage, with the necessary annual disbursements for repairs; & the books of the Corporation, shall at all times, be subject to the examination of a Committee of the General Court, and also of the Governor and Council when called for.

Account of cost of road and annual statements to be exhibited.

SEC. 10. *Be it further enacted*, that the Stock or property in the said Dock shall be held in shares, not exceeding One hundred & fifty, and shall be numbered in progressive order, beginning at *number one*, and every original holder shall receive a Certificate under the seal of the said Corporation and signed by the Treasurer & Clerk, certifying his property in such share as shall be expressed in said Certificate.

Shares.

*Provided always*, that nothing in this Act contained shall be construed or operate to prevent the owner of Gerry's Island, his heirs, associates, or assigns, from retaining the same, or from adopting, and carrying into effect a plan for docking vessels to the Southward and Eastward of the bar leading to his Island, and claimed as his property, and for constructing on the Southern side of said bar, Piers, Wharves, Stores and other accommodations, for his & their use and benefit forever, in as full a manner, as he would have had, if this Act had never passed.

Proviso respecting the owner of Gerry's Island.

*Approved June 14, 1805.*

## 1805. — Chapter 9.

[May Session, ch. 9.]

AN ACT TO INCORPORATE CERTAIN PERSONS INTO A COMPANY BY THE NAME OF "THE SOUTH BOSTON ASSOCIATION."

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, that William Tudor, Jonathan

Persons incorporated.

Mason, Harrison Gray Otis, Gardner Green, Gardner L. Chandler & John Smith being proprietors of a part of a tract of land in the town of Boston, formerly belonging to the Town of Dorchester called Nook Hill, together with such of the proprietors of the residue of the said tract called Nook Hill as may hereafter associate with them and their successors and assigns being Citizens of the United States shall be and hereby are constituted a body politic & corporate by the name of “the South Boston Association”, for the term of Ten Years and no longer, & the said corporation by the said name are hereby declared and made capable in law to sue and be sued to implead and be impleaded, to have a common seal and alter and renew the same at pleasure & to make rules and bye laws for the management and regulation of said Estate consistent with the Laws of the Commonwealth & generally to do & execute whatever by law appertains to bodies politic.

Corporate  
name.

Corporation  
allowed to hold  
land, make  
streets, &c.

SECT. 2D. *Be it further enacted* that the said Corporation be capable to have hold and possess such part of the said tract of land as may belong to the said proprietors named in this Act and of any others who may associate with them, and shall have power to make streets through the same, and divide it into lots, and to build walls to protect the same from the Sea, & to erect buildings thereon, and the said Corporate property or any part thereof to grant sell and alien in fee simple or otherwise, and to lease, exchange, manage and improve the same according to the will & pleasure of the proprietors or the major part of them present at any legal meeting to be expressed by their Votes.

Property to be  
divided into  
shares and held  
as personal  
estate.

SECT. 3D. *Be it further enacted* that said proprietors may at any legal meeting agree upon the number of shares into which said Estate shall be divided not exceeding five hundred, and upon the form of Certificates to be given to Individuals of the number of shares by them respectively held and upon the mode and conditions of transferring the same, which shares shall be held & considered as personal Estate, in the same manner that shares in Turnpike, Bridge and Canal Companies are by law held & considered; the said proprietors shall also have power to assess upon each share such sums of money as may be deemed necessary for laying out, dividing, erecting walls & buildings, and generally for the improvement & good management of their said Estate agreeably to the true intent of this Act,



& to sell and dispose of the share or shares of any delinquent proprietor for the payment of assessments in such way and manner as said Corporation may by their rules and regulations determine and agree upon, *provided however* that the value of buildings which may be owned by the said Corporation at any one time shall not exceed thirty thousand Dollars in Value exclusive of such as may be taken as security for Debts.

SECT. 4TH. *Be it further enacted*, that the property of every individual member of said Corporation vested in said corporate fund or estate shall be liable to attachment & to the payment of his just debts in manner following, vizt. in addition to the summons by law prescribed to be left with the Debtor, a like summons shall be left with the Secretary or Clerk of said Corporation, & the debtors share or shares, in the Corporate funds shall be held thereby to respond said suit according to law, all transfers of the Debtor's shares in the said Corporate funds, not noted in the books of the Corporation previously to the delivery of such summons shall be barred thereby; and execution may be levied on the property of any Stockholder in the said Corporation, & his shares therein exposed to sale, in the same manner as is by law provided when personal Estate is taken in execution — And it shall be the duty of the Officer who extends such execution, to leave an attested Copy thereof, with his doings thereon [on,] with the Clerk or Secretary of said Corporation, and the purchaser shall thereupon be entitled to the reception of all dividends and Stock, and to the same privileges as a member of said Corporation, that the debtor was previously entitled to & to none other. And it shall be the duty of the Secretary or Clerk to expose the books of the Corporation to the Officer so far as respects the number of shares said Debtor may own, & to furnish him with an Official Certificate of the number of shares owned by said Debtor.

Shares liable to attachment.

SECT. 5TH. *Be it further enacted* that any two of the proprietors may call the first meeting by advertizing the same in any one of the public Newspapers printed in Boston, at least three days before the time of meeting & at that or any other meeting may elect a Moderator, Treasurer, Clerk or other officers, and for such term of time not exceeding one Year as they may judge fit and the same at pleasure change or remove & in the choice of Offi-

First meeting; choice of officers, etc.

The rights of  
outside proprie-  
tors not af-  
fected.

cers or on any other occasion when it shall be required by a majority in value of the members present, the votes shall be given by shares, allowing one Vote to each share, provided only that no member shall have more than ten votes.

SECT. 6TH. *Be it further enacted*, that nothing herein contained shall be deemed or construed to affect the right or estate of any proprietor of the said Tract who may not associate and become a member of the Corporation. And at the expiration of said term of ten Years all real estate then belonging to the said Corporation shall be vested in such persons as may then be members thereof and their respective heirs and assigns as tenants in Common in proportion & according to the number of shares which they may then hold; *Provided always* that the said proprietors shall have power after the expiration of said Term to sue for & recover & divide in their Corporate Capacity all debts which may then be unpaid.

*Approved June 14, 1805.*

## 1805. — Chapter 10.

[May Session, ch. 10.]

AN ACT TO SET OFF WILLIAM PARKER, JUNIOR, FROM THE FIRST, AND ANNEX HIM TO THE THIRD PARISH IN READING.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That William Parker Junr. of Reading in the County of Middlesex, with his polls, and that part of his Estate, which lies within the line of the third Parish, be & hereby is set off from the *first*, and annexed to the *third* Parish in Reading; *Provided* the said Parker shall previously pay his proportion of Taxes assessed upon him, and due to the said first Parish prior to the date of this Act.

*Approved June 15, 1805.*

## 1805. — Chapter 11.

[May Session, ch. 11.]

AN ACT TO INCORPORATE THE PLANTATION CALLED BOSTWICK IN THE COUNTY OF OXFORD, INTO A TOWN BY THE NAME OF NEWRY.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation heretofore called Bostwick, in the County of Oxford as described within the

Newry incor-  
porated.

following boundaries, with the Inhabitants thereon, be, and they are hereby incorporated into a town, by the name of Newry, vizt. Beginning at the northerly corner of a tract of land sold to Phineas Howard, and on the westerly line of New Pennakook (now Rumford) thence running North, Nineteen Degrees West on said line, two Miles, and two hundred and ninety eight rods to East Andover, then South seventy one Degrees, West by said East Andover and land sold to Silas Hall and others four miles, and two hundred and thirty five rods to a Stake, then North, nineteen Degrees West three miles and two hundred rods, to the South Easterly corner of the township called A number two, then South Eighty nine Degrees West by the Southerly line of the Township last mentioned, two miles and about Sixty rods, to the North easterly corner of the Township called A number one, then South eight degrees West, by the Township last mentioned, six miles, and about two hundred and eighty rods, to the North Easterly corner of Peabody's Patent (now Gilead) then South nineteen Degrees east by said Gilead, to Sudbury Canada (now Bethel) thence Easterly by said Bethel, and the land sold to the said Howard, to the place of beginning. And the said town of Newry is hereby vested, with all the powers, privileges, rights, and immunities, and subject to all the duties and requisitions, to which other towns are entitled and subjected, by the Constitution and Laws of this Commonwealth.

Boundaries.

SEC. 2. *Be it further enacted*, That either of the Justices of the Peace for the said County of Oxford, be and he is hereby authorised to issue his warrant directed to some suitable Inhabitant of the said town of Newry requiring him to notify and warn the inhabitants of said town, to meet at such convenient time and place, as shall be appointed in said Warrant, to choose such Officers as towns within this Commonwealth, are by Law required to choose, in the months of March or April annually.

Justice to issue warrant.

*Approved June 15, 1805.*

## 1805. — Chapter 12.

[May Session, ch. 12.]

### AN ACT TO ESTABLISH THE MIDDLESEX TURNPIKE CORPORATION.

*Whereas a Turnpike Road from Tyngsborough Meeting House to a point in Bedford equally well situated for the*

Preamble.

*accommodation of Travellers, to Charles River and West Boston Bridges and there dividing and going from thence to each of the aforesaid Bridges would be of great Public Convenience and Utility.*

Persons incor-  
porated.

Corporate  
name.

Direction of  
road.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same; That Samuel Swan Junr. Perkins Nichols, Royal Makepeace, Ebenezer Bridge, William Whittemore Junr. and James Abbot and all others who are or may hereafter become Proprietors & their associates & successors be and they hereby are Incorporated and made a body Politic, by the name of the Middlesex Turnpike Corporation; and by that name may sue and be sued to final Judgment and execution and do and suffer all other things which bodies Politic may or ought to do and suffer: and said Corporation shall have full power and authority to make and use a Common Seal and the same to break alter & renew at pleasure & shall have full power and authority to make lay out and keep in repair a Turnpike Road as aforesaid; — Beginning at Tyngsborough Meeting House; and from thence running in the most direct practicable line to Chelmsford meeting House & from thence in a like direct line to Billerica meeting House, and from thence in the nearest practicable line to the point aforesaid in Bedford at a Stake in Land of Abel Wyman about twelve miles & one hundred and twenty Rods from Boston; and from thence to extend a branch of said Road on a line as straight as is practicable to Symmes' Corner, (so called) in Medford and from thence in the most Convenient route to the Street in Medford Village near the Southwest Corner of the Garden lately belonging to the Hon'ble. John C. Jones. The other branch to commence at the said point or stake & run on as near a straight line as is practicable to the Rocks (so called) in Cambridge, from thence to continue on the Old Road to a point near & between the Houses of Stephen Goddard & Walter Frost & from thence in nearly a straight line to the Cambridge and Concord Turnpike Road; at the Westerly part of said road which is laid out one hundred feet wide near West Boston Bridge, which road shall be laid out four Rods wide & the traveling path not less than twenty four feet wide, *provided however*, that an equal sum shall be expended by the Corporation on each branch thereof.*

SECT. 2. *Be it further enacted*, that the said Corporation shall be entitled to all and singular, the powers, provisions, limitations and restrictions which are particularly Delineated for the Government and Organization of Turnpike Corporations, in an Act entitled an Act Defining the General Powers and duties of Turnpike Corporations, passed March the Sixteenth One thousand eight hundred and five.

Corporation to possess the usual powers and privileges.

*Approved June 15, 1805.*

### 1805. — Chapter 13.

[May Session, ch. 13.]

AN ACT DETERMINING THE TIMES FOR HOLDING THE COURTS OF COMMON PLEAS AND GENERAL SESSIONS OF THE PEACE WITHIN AND FOR THE COUNTY OF ESSEX.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That from and after the passing of this Act, the Court of Common pleas and the Court of General Sessions of the Peace within and for the County of Essex shall be holden at Ipswich on the last Monday of March, at Salem on the last Monday of June, at Newbury Port on the last Monday of September, and at Ipswich on the last Monday of December in every Year : — *Provided nevertheless* that the term of said Courts which before the passing of this Act was to be holden at Salem on the last tuesday of June instant, shall be then and there holden ; and all actions processes appeals or recognizances which have been sued out, commenced, or made returnable to said term of said Courts shall be then and there entered, prosecuted, tried and determined, and executions awarded and other proceedings thereupon had in the same manner, as if this Act had never been made, any thing herein to the contrary notwithstanding.

New terms.

Proviso respecting courts at Salem.

SEC. 2. *Be it further enacted*, that all actions, appeals, recognizances or other processes, that now are or may hereafter be commenced, or sued out, returnable to the term of said Courts, which before the passing of this Act was to be holden at Newbury Port within and for the County aforesaid on the last tuesday of September next, shall be returnable to, entered, prosecuted tried determined and adjudged at the term of said Courts to be holden by virtue of this act at Newbury port on the last Monday of September.

Business transferred.

*Approved June 15, 1805.*

## 1805. — Chapter 14.

[May Session, ch. 14.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE  
ANDOVER AND MEDFORD TURNPIKE CORPORATION.

Persons incor-  
porated.

Corporate name.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.* — That Jonathan Porter, Joseph Hurd, Nathan Parker, Oliver Holden and Fitch Hall, together with such persons as may hereafter associate with them and their Successors and Assigns, shall be, a Corporation by the name of the Andover & Medford Turnpike Corporation, for the purpose of making a Turnpike Road, from near the House of John Russell in Andover running by the east side of Martins Pond so called on nearly a straight line to the House of Jeremiah Nichols in Reading, Thence to near the West Parish Meetinghouse in Reading — Thence on nearly a straight line to the house of David Hays in Stoneham, thence by the West side of Spot Pond so called to the Market place in Medford on as straight a line as the Ground will admit of. And for this purpose shall have all the powers & priviledges and be subject to all the duties Requirements & penalties contained in an act entitled an Act defining the General powers & duties of Turnpike Corporations, passed the sixteenth day of March Ao. Di. 1805.

*Approved June 15, 1805.*

## 1805. — Chapter 15.

[May Session, ch. 15.]

AN ACT TO INCORPORATE THE INHABITANTS OF BARNARD-STONES GRANT AND A PART OF BULLOCK'S GRANT IN THE COUNTY OF BERKSHIRE INTO A TOWN BY THE NAME OF FLORIDA.

Boundaries.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* — that the following described tract of land, vizt. Beginning at the Southwest Corner of Barnardstones Grant at the northwest corner of Savoy running thence an eastwardly course on the line of said Savoy to the northeast corner of said Savoy, thence a north course to Deerfield River, thence up the said Deerfield River northwardly so far that a line drawn a due west course will strike the northeast corner of said Barnardstone's Grant; thence

a westerly course on the north line of said Barnardstone's Grant to the east line of Adams, thence a Southwardly course in the said line of Adams to the north west corner of Savoy first mentioned, together with the Inhabitants thereon, be, and they are hereby incorporated into a Town by the Name of Florida; and the said Town is hereby invested with all the powers privileges and immunities which other Towns in this Commonwealth do or may enjoy by Law.

Florida incor-  
porated.

SECT. 2D. *Be it further enacted*, that Israel Jones Esqr. be and he hereby is empowered and required to issue his warrant to some suitable inhabitant of the said Town of Florida requiring him to warn the qualified Inhabitants thereof to meet at some convenient time and place to choose such officers as Towns are by law required to choose in the month of March or April annually.

First meeting.

*Approved June 15, 1805.*

## 1805. — Chapter 16.

[May Session, ch. 16.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE WORCESTER AND FITZWILLIAM TURNPIKE CORPORATION.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that Lemuel Abbot, Joseph Allen, Edward Baugs, Elisha Andrews, Silas Cutler, Moses Clark, Abiel Alger, Phineas Read, John McClanathan, Lockart Smith, and Isaiah Thomas, together with such others, as have, or may hereafter associate with them, their successors and assigns, be and they hereby are made a Corporation by the name of the Worcester and Fitzwilliam Turnpike Corporation, for the purpose of laying out and making a Turnpike Road from the Court house in the town of Worcester to the meeting house in Holden, from thence to the meeting house in Hubbardston, from thence to Holman's road so called near the house of Samuel Cook in Templeton, from thence to or near the bridge which is near Baldwins Mills in said Templeton, and from thence to the State line of New Hampshire, near Grave's Mills in the town of Fitzwilliam, and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements, and penalties, contained in an Act entitled "An Act defining the general powers and duties of turnpike Corporations," passed the sixteenth day of March A.D. 1805.

Persons incor-  
porated.

Corporate  
name.

*Approved June 15, 1805.*

## 1805. — Chapter 17.

[May Session, ch. 17.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE UNION TURNPIKE CORPORATION."

Preamble.

*Whereas no provision is made in said Act, whereby the Courts of General Sessions of the Peace, of the several Counties through which said road shall pass, may authorise the Committee whom they shall appoint to lay out said Road, to estimate the damages, which individuals, through whose land said road shall pass, may sustain; or to appoint a Committee for that purpose on applications of the proprietors of said Road; but only on application of the individual who may sustain such damage, whereby the said Corporation is subjected to great delay and expence. — Wherefore*

Committee  
authorized to  
estimate  
damages, &c.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same; That the Courts of General Sessions of the Peace of the several Counties through which said road shall pass, be and they are hereby authorised to empower the Committee, whom they may appoint to lay out said road agreeably to said Act of incorporation, to estimate the damages which the several individuals, through whose land said road shall pass, may sustain, saving to each individual, and to the Corporation the right of having such damage estimated by a Jury as is provided for by said Act of incorporation.*

*Approved June 15, 1805.*

## 1805. — Chapter 18.

[May Session, ch. 18.]

AN ACT DETERMINING THE TIMES AND PLACE OF HOLDING THE SEVERAL COURTS OF COMMON PLEAS AND COURTS OF GENERAL SESSIONS OF THE PEACE WITHIN AND FOR THE COUNTY OF CUMBERLAND.

New terms.

SECT. 1. *Be it enacted by the Senate, and House of Representatives in General Court assembled and by the authority of the same, that from and after the last day of June, instant the Court of Common Pleas within and for the County of Cumberland shall annually be holden, at Portland on the first Tuesday of March & on the third Tuesday of June, and on the third Tuesday of November.*



SECT. 2D. *Be it further enacted* that the Court of General Sessions of the Peace in the said County of Cumberland shall be holden annually at Portland on the third Tuesday of March and on the first Tuesday of September.

SEC. 3D. *Be it further enacted* that all Laws heretofore passed regulating the times and Place for holding of the said Courts in the said County of Cumberland from and after the said last day of June shall be, and the same are hereby repealed.

Former laws repealed.

*Approved June 15, 1805.*

## 1805. — Chapter 19.

[May Session, ch. 19.]

AN ACT DECLARING AND CONFIRMING THE INCORPORATION, OF THE PROPRIETORS OF THE MEETING-HOUSE IN FEDERAL STREET IN THE TOWN OF BOSTON.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the Authority of the same*, That all persons who now are, or who may hereafter be, the Proprietors of the pews in the Congregational meeting-house situate in Federal Street in the Town of Boston, be, and they are hereby declared and confirmed to be a body Politic and Corporate, by the Name of the Proprietors of the Meeting-house in Federal Street in the Town of Boston, and the said corporation shall be, and hereby are deemed in law to be seized of the same meeting-house, with all the lands under, adjoining and belonging to the same, with the privileges and appurtenances including the dwelling-house recently erected on the land appurtenant to said meeting-house for the accommodation of the Minister of that Society, reserving, however to the several proprietors of the pews in said meeting-house, their right to, and interest in the said pews respectively.

Incorporating clause.

Corporate name.

SEC. 2. *Be it further enacted*, That the said proprietors shall meet annually on the first Wednesday in May at the said Meeting-house or at such other place as their Committee may appoint, and at such other times, as they may be duly notified for, in manner hereafter mentioned, and at said annual meeting, after having chosen a Moderator, shall choose a Clerk, Treasurer and a Committee of seven Persons, who shall all continue in office, during the year, and until others are chosen in their room. *Provided, however*, if, for any cause, the said annual meeting

Annual meeting; officers to be chosen.

should not be holden, then the said officers may be chosen at any other meeting duly notified for that purpose.

Clerk to be  
sworn.

SEC. 3. *Be it further enacted*, that the said Clerk shall be sworn to the faithful discharge of the duties of his Office and it shall be his duty to record all the votes and all the proceedings of the said proprietors and of the said Committee, in separate Books, to be kept by him, for that purpose, and the said Committee, or a major part of them, shall have full power to manage all the prudential affairs of the said proprietors, in the same, and in as ample a manner as parish committees are authorized by law to manage the prudential affairs of parishes, and to notify any proprietors' meeting, by posting up a notification at the door of said Meeting-house, Seven days at least, before the time of holding the same.

Committee to  
manage pru-  
dential affairs.

Proprietors  
empowered to  
fulfil contracts,  
form new con-  
tracts, &c.

SEC. 4. *Be it further enacted*, that the said proprietors shall be entitled to all the privileges they have heretofore in fact enjoyed and shall be bound by all the contracts, they have heretofore in fact entered into, as well with their present minister as with others, and be subject to all the duties they have heretofore been subject to, and the said proprietors, are also empowered from time to time to make such further contracts and raise such sums of money Annually, as they shall judge necessary for the maintenance and support of the public Worship of GOD, for the repairs or alterations of said Meeting-house and making any reasonable addition to the Salary of their present or any future Minister and for other Parochial and Incidental charges, including any sums that may be due for the completion of the ministerial house lately erected by the said proprietors on the Lot adjoining said Meeting-house for the accommodation of their Minister, and all monies, so raised by the said proprietors, shall be paid annually or by instalments at such times and in such proportions as said proprietors shall direct.

Assessments;  
pews liable to be  
taken and sold,  
&c.

SEC. 5. *Be it further enacted*, that all monies, raised by the said proprietors for the purposes aforesaid, shall be assessed by the said Committee, or by the major part of them, upon the several proprietors of the pews in said Meeting house according to the relative value of said Pews, regard being had to their situation & convenience, and the pews in said house shall be held liable to be taken and sold, for the payment of all assessments duly made as aforesaid, and for the discharge of all expences incurred

by such Sale in such manner and on such contingencies and conditions as have been or may be agreed upon by the said proprietors, and which are or shall be Summarily expressed and contained in the deed or conveyance of the Pews, and the assessments made as aforesaid shall be considered as a lien upon the Pews in said Meeting-house, and a bill of each Proprietors assessment, and of the time or times of Payment, shall be left in his Pew, of which fact, the oath of the Treasurer or of the Person by him employed for that purpose, shall be sufficient evidence.

SEC. 6. *Be it further enacted*, that if any of the officers chosen by said proprietors, shall Die or resign, during the year for which they may be chosen, other persons may be elected in their room, for the remainder of the year at any meeting of the proprietors, to be notified by a major part of the committee, but in all cases where there may be but one of the Committee in office he shall have sufficient authority to call any meeting of the proprietors.

In case of death or resignation of officers.

SEC. 7. *Be it further enacted*, that Henry Hunter and Francis Wright or either of them may cause the first meeting of said proprietors to be called, for the purpose of choosing the officers of said proprietors for the year ensuing, and for any other purpose specified in a notification by them to be posted up, at the Door of said meeting house, giving notice of the time and place of said meeting — at which meeting the said Proprietors may agree on the mode of notifying future meetings.

First meeting.

*Approved June 15, 1805.*

## 1805. — Chapter 20.

[May Session, ch. 20.]

AN ACT TO ALTER THE NAMES OF CERTAIN PERSONS THEREIN MENTIONED.

*Be it enacted by the Senate and house of Representatives in General Court assembled and by the authority of the same* That from and after the passing this Act, James Bowdoin Temple of Boston in the County of Suffolk Gentleman shall be allowed to take the name of James Temple Bowdoin; that Samuel Bass Wales, of Randolph in the County of Norfolk, a minor, shall be allowed to take the name of Ephraim Wales, that John Allen the 4th of Salem in the County of Essex, shall be allowed to take the name of John Woodberry Allen; that George Smith of Salem

Names changed.

in the County of Essex, Housewright and son of Isaac Smith of Rowley in said County, shall be allowed to take the name of George Hibbert Smith; that William Hobby Jr. of Portland in the County of Cumberland shall be allowed to take the name of William Gardner Hobby, that John Rogers of Charlestown in the County of Middlesex Mariner, shall be allowed to take the Name of John Weston Rogers — And said persons in future shall be respectively known, and called by the names, which they are respectively allowed to take as aforesaid and the same shall hereafter be considered as their only proper names to all intents and purposes. *Approved June 15, 1805.*

### 1805. — Chapter 21.

[May Session, ch. 21.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE TOWN OF BETHEL; TOWN OF NEWRY AND PLANTATION OF HOWARD'S GORE (SO CALLED) IN THE COUNTY OF OXFORD, INTO A RELIGIOUS SOCIETY, BY THE NAME OF THE FIRST BAPTIST SOCIETY IN BETHEL.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Asa Kimball, John Killgore Junr. Stephen Eastes, Ithiel Smith Junr., John Killgore, Samuel Ayer, Ephraim Powers, Samuel Gossom, Joseph Ayer, Jonathan Smith, Samuel Killgore, Daniel Bean, Ebenezer Bean, Moses Mason, Thomas Stearns, Asa Foster, Jonathan Clark, William Russell, Isaac Towne, Naphthali Coffin, Jesse Bean, David Coffin, Walter Mason, Paul Morse, Joseph Farrar, Betsey Clark, and Enoch Bartlet, with their families and estates, be, and they are hereby Incorporated into a Religious Society, by the name of the "First Baptist Society in Bethel," with all the powers, Priviledges, and immunities to which Parishes are entitled by the constitution and laws of this Commonwealth — *Provided* that all such persons shall be holden to pay their proportion of all monies assessed in the towns and plantation aforesaid for parochial purposes prior to the passing of this Act.

SECT. 2D. *Be it further enacted,* that any person belonging to the said town of Bethel, Newry or plantation of Howards Gore aforesaid, being of the Baptist denomination, who may at any time hereafter, actually become a member of and unite in Religious worship with the said

Persons incor-  
porated.

Corporate  
name.

Method of join-  
ing the society.

Society, and give in his or her name to the Clerk of the town, Parish or Plantation to which he or she belongs, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of & United in Religious Worship with the aforesaid Baptist Society, fourteen days previous to the town, Parish or plantation meeting therein, to be held in the Month of March or April, shall from and after giving in such Certificate, with his or her polls & estates be considered as part of said Society.

SEC. 3D. *Be it further enacted*, that if any member of said Baptist Society, shall at any time see cause to leave the same, and unite in Religious W[h]orship with the parish in which he or she may reside, and shall lodge a Certificate of such his or her intention, with the Clerk or Minister of said Baptist Society, and also with the Clerk of the town, Parish or Plantation, in which he or she may reside, fourteen days at least before the annual town Parish or plantation Meeting to be held therein in the month of March or April, & shall pay his or her proportion of all money assessed on said Society previous thereto, such person shall from and after giving such certificate, with his or her polls and estates, be considered as belonging to the town or Parish in which he or she may reside in the same manner as if he or she had never belonged to said Baptist Society.

Method of leaving the society.

SEC. 4. *Be it further enacted* that any Justice of the peace in the said County of Oxford, is hereby authorized to issue his Warrant, directed to some suitable member of said Baptist Society, requiring him to notify and warn the Members thereof, to meet at such time and place as shall be appointed in said Warrant to choose such Officers as parishes in this Commonwealth are by law authorised to choose in the month of March or April Annually.

First meeting.

*Approved June 15, 1805.*

## 1805. — Chapter 22.

[May Session, ch. 22.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE TOWN OF BRISTOL IN THE COUNTY OF LINCOLN INTO A RELIGIOUS SOCIETY, BY THE NAME OF THE FIRST CONGREGATIONAL SOCIETY IN BRISTOL.

*Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of*

Persons incor-  
porated.

*the same*, that William Atkins, Joseph Bailey, Ebenezer Bearce, John Bearce, Aaron Blaney Jr. Samuel Boyd, John Boyd, David Burr, Thomas Calderwood, James Carlisle, Arthur Child, Hannah Child, Mary Child, William Chamberlain, Samuel Clark, Joseph Clark, Nathaniel Church, Thomas Clough, James Curtice, Samuel Doe, James Drummond, James Drummond junr. Timothy Fitch, John Fitch, Alexander Fossett, John Fossett, William Fossett, Henry Fossett, Henry Fossett junr. William Greenlaw, Amos Goudy, Hervey Hall, Richard Hiscock, James Hiscock, Marius Howe, Zebulon Howland, George Howland, Elisha Hatch Junr. John Hassey, Joshua House, Henry Hunter, Thomas Hunter, William Hunter, John Huston, John Huston 2d., John Huston 3d., William Huston, William Huston 2d. William Huston 3d., Robert Huston, Robert Huston junr. Robert Huston 3d., Thomas Huston, James Huston, David Hutchins, Thomas Hutchins, William Johnson, James Jones, William Kelsey, James Kelsey, James Laughton, Hugh Little, John Mears, Thomas Miller, James Morton Junr. Ephraim McMichael, John McKown, John Nickels, William Nickels, David Ordway, William Page, George Page, Hugh Paul, James Paul, Bedford Plumer, William Russell, William Russell Junr. George Sproule, Robert Sproule, William Sproule, Robert Thompson, John Tomlinson, Gershom Wentworth, Samuel Wentworth, John Wentworth, Samuel Woodward, James Woodward and James Wyllie, with their families and estates, together with such others, as may hereafter associate with them and their successors, be, and they are hereby incorporated into a Society by the name of The first Congregational Society in Bristol in the County of Lincoln, with all the powers, privileges, rights, and immunities, to which other Parishes are entitled by the Constitution and Laws of this Commonwealth.

Corporate  
name.

Method of join-  
ing the society.

SECT. 2D. *And be it further enacted*, that any person in the said town of Bristol, who may be desirous of becoming a member of the said first Congregational Society, and shall declare such intention in writing, given in to the Clerk of the said first society fifteen days previous, to the annual, Parish Meeting and shall receive a certificate, signed by the said Clerk, or the Minister of the said Society, that he, or she, has actually become a member of, and united in religious worship with the said first Society in Bristol, such person shall, from the date of such certificate, be consid-

ered, with his or her polls and estate as a member of said Society.

SECT. 3D. *Be it further enacted*, that when any member of the said first Society in Bristol, shall see cause to leave the same, and to unite in religious worship with any other religious Society in the said Town, and shall give notice of such intention to the Clerk of the said first Society, and shall also give in his or her name to the Clerk of such other Society, fifteen days previous to the annual meeting of said Society and shall have received a certificate of membership signed by the Minister or Clerk of said Society, such person shall from the date of such certificate, with his or her polls & estate, be considered as a member of said Society. *Provided however*, that every such person shall always be held to pay his or her proportion of all Parish charges, in the Society to which such person belonged, assessed and not paid previous to the leaving said society.

Method of leaving the society.

SECT. 4TH. *Be it further enacted*, that either of the Justices of the peace for the County of Lincoln, upon application therefor, is hereby authorised to issue his warrant directed to some member of the said first Congregational Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be appointed in said warrant, to choose such officers as parishes are by Law empowered and required to choose at their annual meetings.

First meeting.

*Approved June 15, 1805.*

## 1805. — Chapter 23.

[May Session, ch. 23.]

AN ACT AUTHORIZING HIS EXCELLENCY THE GOVERNOR BY AND WITH ADVICE OF THE COUNCIL TO PROVIDE REGULATIONS FOR THE STATE PRISON.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same*, that Criminals convict who have been sentenced to confinement to hard labour for terms not yet expired, or who shall hereafter be sentenced to confinement to hard labour for life, or to solitary imprisonment and also to confinement to hard labour for any term exceeding one year shall and may be imprisoned restrained and employed in and within the precincts of the State Prison

Criminals sentenced to imprisonment and hard labour to be confined in state prison.

situate in Charlestown in the County of Middlesex. And that his Excellency the Governor be and he hereby is authorized and empowered to draw his warrant under the seal of the State directed to such Officer or Officers as he may think proper requiring them to remove such convict or convicts as aforesaid from any jail in any County of this Commonwealth to the State prison aforesaid; and all officers Keepers of said prison & Keepers of the several Jails in the Common Wealth are hereby required to do and perform all such duties and services as his Excellency may in any such Warrant by him issued require.

Criminals convicted in U. S. Circuit court to be received.

SEC. 2D. *Be it further enacted*, That the Keeper of said Prison shall receive all such persons convicted before the Circuit Court of the United States at any term of said Court holden in this Commonwealth as may be sentenced by said Court to confinement and hard labour for any term of time, and safely keep such Convicts untill they shall be discharged by due course of the laws of the United States.

Officers; rules and regulations.

SEC. 3D. *Be it further enacted* That the Governour by and with the advice and consent of the Council shall have authority to appoint annually and as often as any vacancy may require and remove at pleasure a Chaplain, a Physician an Agent or Superintendant and such other Officers assistants and servants as shall and may appear fit and necessary for the Government employment and regulation of the said convicts and to make and establish all such rules orders regulations and bye laws as may in his opinion be fit and proper for the due management and government of the said Convicts. *Provided* such rules, orders, regulations and bye laws be not repugnant to the Constitution and laws of this Commonwealth. And also to furnish and provide for said convicts such food fuel cloathing and all matters and things as shall or may in his Opinion be necessary for the sustenance and accomodation of the said convicts; and also to procure and furnish & provide such materials and utensils as may be necessary and proper for the purpose of employing said Convicts during the continuance of their confinement in said State Prison.

Money to be provided for purposes of the act.

SEC. 4TH. *Be it further enacted* That the Governour by and with the advice and consent of the Council be and he is hereby authorized to draw his Warrant upon the Treasurer of this Commonwealth in favor of such Agent or Superintendant as he may appoint as aforesaid for such



sum or sums of money as he shall deem fit and sufficient to the several purposes mentioned in this Act not exceeding the sum of thirteen thousand Dollars, the said Agent or Superintendant to be accountable for the expenditure of the same. And the said Superintendant shall give a Bond to the said Commonwealth in the sum of Twenty thousand Dollars with sufficient surety to be approved by the Governor with the Advice of the Council and upon condition that said Superintendant shall do observe and perform all the duties incumbent on him, as such Agent or Superintendant.

Superintendent  
to give bonds.

SEC. 5. *Be it further enacted* that this Act shall continue in force until the first day of June in the Year of our Lord one thousand eight hundred and six and no longer.

Act limited.

*Approved June 15, 1805.*

## 1805. — Chapter 24.

[May Session, ch. 24.]

AN ACT TO AUTHORISE THE SEVERAL BANKS, INCORPORATED WITHIN THIS COMMONWEALTH, TO ISSUE BILLS OF THE DENOMINATION OF ONE, TWO AND THREE DOLLARS.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That from and after the passing of this Act, and during the pleasure of the Legislature, the President and Directors of all the Banks incorporated under the authority of the Legislature of this Commonwealth, with power to issue promises of their own, on banking principles, be, and they hereby are authorised and empowered to issue & emit bills of the denominations of one two and three Dollars to the amount of five per centum of their several Capital Stocks, actually paid in, any thing in their respective Acts of incorporation to the contrary notwithstanding — *Provided however,* that this privilege shall not be construed, to authorize the said Banks, to owe or issue bills or promises, to any greater amount, than by their respective acts of Incorporation, they are already privileged to owe or issue.

Issue of small  
bills authorized.

SEC. 2D. *Be it further enacted* that the Bills of the denomination of one, two, & three Dollars, shall be constructed with the denomination of the bill, in each of the corners thereof in figures, and in the body of the Bills in large capital letters, with an Oval border lengthwise of the

Description of  
bills.

bill and the word Massachusetts, in large capital letters, under the upper part of the oval border, to be signed by the President, and countersigned by the Cashier of the Bank, from which the same may issue, & no Bank shall issue any Bill of an Oval form or impression of an higher denomination than three dollars.

Total amount of issue authorized for any bank to be impressed before issuing.

SEC. 3D. *Be it further enacted*, that before any of the bills, of the denomination aforesaid, shall be issued by any Bank, the amount which said Bank is allowed to issue, shall be impressed. And the President & Directors of the several Banks in their returns and statements, as required by law, shall state the amount of said bills in circulation, and the amount thereof on hand. And no further impression or emission of said Bills shall be created or allowed, by virtue of this Act.

Bank statements to be sworn to by president, directors, &c.

SEC. 4TH. *Be it further enacted*, that the several State-ments and returns which by the respective Acts of incorporation of the several Banks, or other corporate bodies, are directed to be made to his Excellency the Governor and the Council of this Commonwealth, shall hereafter be made under the Oaths of the President and the several Directors & Cashier's or Trustees, and Treasurer's, of the said several Banks, or other corporate bodies, at the several periods directed by their respective Acts of Incorporation, which Oath shall be administered by some Magistrate duly authorized to administer Oaths; and who shall have no interest in the said Corporate body.

*Approved June 15, 1805.*

## 1805. — Chapter 25.

[May Session, ch. 25.]

AN ACT TO INCORPORATE ROYAL MAKEPEACE & OTHERS INTO A SOCIETY FOR THE PURPOSE OF BUILDING A MEETING HOUSE & SUPPORTING PUBLIC WORSHIP THEREIN IN THE EASTERLY PART OF CAMBRIDGE.

Persons incorporated.

SECTION 1ST. *Be it enacted by the Senate & House of Representatives in General Court Assembled and by the Authority of the same*, That Royal Makepeace, John Cook, Josiah Mason junr., Daniel Mason & Andrew Boardman & their Associates and their successors be, and they hereby are constituted & made a Corporation and body politic by the name of the “ Cambridge-Port meeting House Corporation ” And shall by that name sue and be sued, and shall

Corporate name.

have a common seal, and also may ordain, and establish, and put in execution such bye-laws and regulations, as to them shall seem necessary and Convenient for the Government of said Corporation; *provided* such byelaws and regulations shall be in no wise contrary to the laws and Constitution of this Commonwealth — And may hold and purchase land for the erection of a House for public worship thereon, and may purchase and hold real and personal estate the annual income of which shall not exceed the sum of Two Thousand Dollars for the purpose of building a meeting House & supporting public Worship therein.

SECTION 2D. *Be it further enacted*, that the shares in said Corporation shall not exceed one Hundred in number, and shall be considered as personal estate,—*Provided always* that the Certificates & Transfers of the same shall be recorded in the Registry of Deeds for the County of Middlesex. Shares.

SECTION 3D. *Be it further enacted* That whenever any Proprietor shall neglect or refuse to pay any Tax or assessment duly voted for the purposes of this Corporation and agreed upon by said Corporation, to the Treasurer thereof within thirty days after the same shall be made payable, the said Treasurer is hereby authorised to sell at public vendue the share or shares of such delinquent proprietor to defray said Tax and necessary charges after publishing notice in one of the newspapers printed in Boston, of the sum due on such share or shares and of the time and place of sale at least Thirty days previous to such sale — and a certificate of the same sale under the hand of the President & Clerk of the Corporation, shall transfer and vest, all the right, title and interest of the delinquent in the share or shares thus sold to & in the purchaser, and if the same share or shares thus sold, shall sell for more than the Taxes & assessments thereon due, the Overplus shall be paid over to said delinquent by the Treasurer on demand. Shares of delinquents to be sold.

SECTION 4TH. *Be it further enacted*, That each Proprietor or his agent duly authorised in writing shall have a right to vote in all meetings of said Corporation and be entitled to as many votes as he holds shares, *Provided* that no person shall be entitled to more than Ten votes. Right to vote.

SECTION 5TH. *Be it further enacted* that a meeting of said Corporation shall be holden at the House of Josiah Mason Jr., Inholder in said Cambridge, on the Twenty fifth of June instant for the purpose of choosing a Presi- First meeting.

dent, Treasurer and Clerk, and such other officers as shall be deemed necessary, & also to agree upon a mode of calling meetings of said Corporation in future.

Officers to be  
chosen an-  
nually.

SECTION 6TH. *Be it further enacted* that the several officers of said Corporation shall be chosen annually by a majority of votes given in at the time of the election, and that the day of the annual election shall be established at the first meeting of said Corporation.

President and  
clerk to sign  
certificates.

SECTION 7TH. *And be it further enacted*, That the President & Clerk of said Corporation shall sign the Certificates of the shares of the proprietors in this Corporation.

Clerk to be  
sworn.

SECTION 8TH. *Be it further enacted* that the clerk of said Corporation before he enters upon the duties of his office shall be sworn to the faithful discharge of the same.

*Approved June 15, 1805.*

## 1805. — Chapter 26.

[May Session, ch. 26.]

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO ESTABLISH THE BLUE HILL TURNPIKE CORPORATION.

New course.

SECT. 1. *Be it enacted by the Senate and house of Representatives in General Court Assembled and by the Authority of the Same*, That the proprietors of the Blue hill Turnpike Corporation be and hereby are authorised and empowered to alter the course of a part of Said Turnpike road in Milton, and instead of laying out and making the Same from an Apple tree in the land of Ezra Coates in said Milton to the house of Joseph Babcock, to lay out and make the Said Turnpike road from Said Apple tree to or near to the guide post in Milton at Swifts corner so called near to the house of John Swift in Milton.

Committee  
authorized  
to estimate  
damages, &c.

SECT. 2. *Be it further enacted* that the Committee already appointed by the Court of General Sessions of the peace to lay out said Turnpike road, and to estimate the damage that may be done to persons over whose land the Same may pass, be and hereby are authorised and empowered to lay out said road in the direction last mentioned and to estimate the damage that may be done to any person over whose land the same may pass in the same manner as they are authorised by the Act to which this is in Addition.

SECT. 3. *Be it further enacted*, that said corporation be and hereby are authorised and empowered to demand and receive for [e]very person and horse that may pass the Gate on Said Turnpike road five cents.

Toll established.

*Approved June 15, 1805.*

## 1805. — Chapter 27.

[January Session, ch. 1.]

AN ACT TO ENABLE THE MEMBERS OF THE BOARD OF HEALTH IN THE TOWN OF BOSTON, AND THE CLERKS IN THE SEVERAL WARDS IN SAID TOWN, TO PERFORM THEIR OFFICIAL DUTIES, IN THE WARDS ESTABLISHED, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIVE [SIX].

SEC. 1. *Be it enacted, by the Senate and House of Representatives in General Court assembled and by the authority of the Same*, That the members of the Board of Health in the town of Boston, and the Several clerks of the respective Wards in said town, chosen according to the Division of Wards which had been established in the year of Our Lord One thousand seven hundred and thirty five, be, and they hereby are required to do their Official duties, within the [the] Wards as established by said town, to take place on the first day of February in the year of Our Lord One thousand eight hundred and Six, which bear the numerical name of those Wards, for which they may have been respectively chosen, untill a Board of Health and ward clerks shall have been chosen according to the division of said town into wards as last mentioned — And the members of the Board of Health, and the several clerks of the respective wards, and the Assistant Assessors in said town shall hereafter be chosen within the wards as established to take place on the said first day of February in the year of Our Lord One thousand eight hundred and Six.

Members of Board of Health, and ward clerks, chosen under the old division of wards, to perform their duties until new officials are chosen.

*Approved February 3, 1806.*

## 1805. — Chapter 28.

[January Session, ch. 2.]

AN ACT TO INCORPORATE WILLIAM FROST AND OTHERS, PROPRIETORS IN COMMON OF CERTAIN MINES CALLED THE WASHINGTON MINES IN THE TOWN OF NEWFIELD IN THE COUNTY OF YORK, BY THE NAME OF THE WASHINGTON MINING COMPANY.

SEC 1. *Be it enacted, by the Senate and House of Representatives, in General Court Assembled, and by the*

- Persons incor-  
porated.** *authority of the same*, That William Frost, Esqr. Samuel Haven, Junr. Henry Haven, William Jones, and Joseph Gavett, and their associates, proprietors and owners of the Washington Mines, so called, in the town of Newfield, in the County of York, and their successors be, and hereby are incorporated by the name of The Washington Mining Company; and by that name may sue and be sued, with liberty to have & use a common seal; and the same to break and alter at pleasure.
- Corporate name.**
- Capital stock.** SEC. 2. *Be it further enacted*, That as the said Corporation is intended for the purpose of digging and refining Fuller's Earth, and exploring any minerals or metals, contained in the Mines they own in the aforesaid town of Newfield; that they have liberty to employ a capital Stock of One hundred thousand dollars in said business, including the value of their land and the buildings & works requisite for improving the said Mines.
- Shares.** SEC. 3. *Be it further enacted*, That the property of said Corporation shall be, and hereby is divided into eighteen shares, which shares shall be deemed personal estate.
- Officers; rules  
and regulations.** SEC. 4. *Be it further enacted*, That the said Corporation shall have power, from time to time, at any legal meeting, to choose a Clerk, who shall be sworn to the faithful performance of his duty, a Treasurer and such other Officers as to said Corporation shall appear necessary, and make any reasonable bye-laws, rules and regulations for the management of said mining business, not repugnant to the Constitution and Laws of this Commonwealth: *Provided*, the proprietors of a majority of the shares aforesaid, shall be present, and assent thereto; and in all cases Votes shall be taken by shares, the owners being present or their legal attorney or Representative; and the said William Frost, Esqr. is hereby authorised to call the first meeting of said Corporation, at which meeting said Corporation may agree on the mode of calling meetings in future.
- Assessments;  
shares of  
delinquents may  
be sold.** SEC. 5 *Be it further enacted*, That at any legal meeting of said Corporation, a majority of the proprietors of said Shares present, may assess such sum or sums of money on said Corporation as they shall deem necessary to defray the expenses that have arisen or shall arise in the management of their business aforesaid, and fix the time when it shall be paid to the Treasurer, and, in case of delinquency,

may direct the Treasurer to sell the delinquents share or shares, to raise the sums assessed and charges of the sale, in the same way and manner which is provided in the tenth Section of an Act, entitled “An Act defining the general powers & duties of Turnpike Corporations,” passed in the year of Our Lord One thousand eight hundred and five.

SEC. 6. *Be it further enacted*, That said shares shall be transferable by certificate under the Seal of the corporation, a record thereof being made by the clerk in a book kept for that purpose, and in no other manner, except as provided by this Act—and the exhibit of such certificate, so recorded, shall entitle the purchaser, his heirs and assigns to hold the same forever.

Transfer of shares.

SEC. 7. *Be it further enacted*, That said shares shall be liable to attachment on mesne process, and to be sold by Execution, in the same way and manner which is provided in & by an Act, entitled, “An Act directing the mode of attaching on mesne process, and selling by Execution, shares of Debtors in incorporated Companies” passed in the year of Our Lord, One thousand eight hundred and five.

Shares liable to attachment.

*Approved February 10, 1806.*

## 1805.— Chapter 29.

[January Session, ch. 3.]

AN ACT IN ADDITION TO, AND FOR REPEALING A CERTAIN CLAUSE IN AN ACT, PASSED MARCH TWENTY EIGHTH, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHTY EIGHT, ENTITLED “AN ACT TO PREVENT THE DESTRUCTION OF ALEWIVES AND OTHER FISH IN IPSWICH RIVER, AND TO ENCOURAGE THE INCREASE OF THE SAME.”

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same*, That the future using and improving of Barnabas Dodge’s Saw-Mill, standing on Ipswich River at Warner’s Mill-Dam, so called, within the Towns of Ipswich and Hamilton, from the last day of April to the first day of June, annually, shall be under the directions, regulations and restrictions of the major part of the Selectmen of the Towns of Ipswich, Hamilton, Topsfield, Middleton & Reading, for the time being; such directions, regulations and restrictions, being made in writing under the hands of the Major Part of the Selectmen aforesaid, and delivered to the said Dodge from time to time as shall be found necessary.

The use and improvement of Dodge’s Mill to be regulated by selectmen of certain towns.

Penalties for disobedience of regulations.

SECT. 2D. *Be it further enacted*, that for every omission or violation of such directions, regulations, or restrictions as aforesaid, the said Dodge shall be subject to such penalties and forfeitures as are incurred by an Act entitled “an Act to prevent the destruction of Alewives and other Fish in Ipswich River and to encourage the increase of the same,” for using and improving said Mill, within the Term aforesaid; to be sued for, recovered & applied in manner as is prescribed in the said Act.

Part of former act repealed.

SECT. 3D. *Be it further enacted*, That the sixth clause of the aforementioned Act, so far as it respects the using and improving the said Dodge’s saw Mill within the term therein mentioned, shall be, and hereby is repealed.

*Approved February 11, 1806.*

### 1805. — Chapter 30.

[January Session, ch. 4.]

#### AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE ASHBY TURNPIKE CORPORATION.

Persons incorporated.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abraham Edwards, Allen Flagg, Stephen Wyman, Cushing Burr, Alexander T. Willard, Robert W. Burr, Aaron Warren, Ebenezer Stone, Asa Stratton, William Stearnes, Samuel Rice, Lewis Gould & Stephen Patch, together with such others as have, or may hereafter associate with them, their successors and assigns be and they are hereby made a Corporation, by the Name of the Ashby Turnpike Corporation, for the purpose of laying out and making a turnpike road, from the state line between New Hampshire & the Commonwealth of Massachusetts, near the House of William Kendall and from thence to the South side of Wantatook hill, and from thence through Ashby to Townsend plain in Townsend near Joel Butlers; and for this purpose shall have all the powers and priviledges, and be subject to all the duties, requirements and penalties contained in an Act, entitled “An Act defining the general powers and duties of Turnpike Corporations” passed the sixteenth day of March in the Year of our Lord One thousand Eight hundred and five.

Corporate name.

*Approved February 11, 1806.*



1805. — Chapter 31.

[January Session, ch. 5.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE  
NORTON TURNPIKE CORPORATION.

SEC. 1. *Be it Enacted by the Senate and house of Representatives in General Court assembled, and by the authority of the same,* That Silas Cobb, Joseph Hewins, Benjamin Bates, and Elijah Crane together which *[with]* such persons as may hereafter associate with them, and their Successors and assigns shall be a Corporation, by the Name of the Norton Turnpike Corporation, for the purpose of making a Turnpike road, beginning at the boundary Line between this Commonwealth and the State of Rhode Island, at Warren, thence to or near Norton Meeting-house thence to or near the meeting house in Mansfield, from thence running to the West of Mashapog Pond, and to or near Sharon meeting house, and from thence into the Taunton road at or near School house number three in Canton, as nearly straight, from each mentioned place to the other, as a locating Committee shall think will best accommodate the public: — And for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an Act entitled “An Act defining the general powers and duties of Turnpike Corporations” passed the sixteenth day of March in the Year of Our Lord One thousand eight hundred and five.

Persons incor-  
porated.

Corporate  
name.

SEC. 2D. *Be it further enacted* that said Corporation is hereby allowed to grant Monies to such persons, as have rendered Services to the proprietors in exploring the rout of the Turnpike road, or otherwise; previous to this Act of incorporation, or to such persons as have advanced Monies to pay any expences which may have accrued.

Corporation  
may grant  
monies for  
services  
rendered.

SEC. 3. *Be it further enacted,* that when the said Turnpike road, shall be approved by Committees to be appointed by the Courts of Common pleas, in the respective Counties through which said road shall pass, then said Corporation shall be authorized to erect, four Turnpike Gates, or such a number of half toll Gates, as not to exceed four whole toll Gates, on the said Road, as the aforesaid Committees shall direct.

Turnpike gates.

*Approved February 11, 1806.*

## 1805. — Chapter 32.

[January Session, ch. 6.]

AN ACT TO SET OFF PART OF THE TOWN OF NORTHBOROUGH AND ANNEX THE SAME TO THE DISTRICT OF BERLIN, AND TO SET OFF PART OF SAID DISTRICT OF BERLIN AND ANNEX THE SAME TO THE SAID TOWN OF NORTHBOROUGH.

Boundaries of  
the lands set off.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same;* That all the lands, and buildings thereon, lying Northerly of the line herein described, belonging to the Town of Northborough, in the County of Worcester, be, and hereby are set off from the said town of Northborough and annexed to the District of Berlin in the same County of Worcester; and that all the Land lying Southerly of said line, belonging to the said district of Berlin, be, and hereby is set off from said district of Berlin, and annexed to the said town of Northborough, Vizt. said line begining at a stake and stones on the line between Marlborough and said Berlin, twenty-four rods from the Northwest corner of said Marlborough thence North thirty three degrees west two hundred and twenty six rods, to a stake and stones on the line between said Northborough and said district of Berlin.

Alteration in the  
valuation.

SECT. 2. *Be it further enacted* that there be thirty six Milles taken from the sum set against said Town of Northborough by the last Valuation, to pay to one thousand dollars State Tax; and added to the sum set against said district of Berlin, and in future all State and County taxes against said Town and district to be governed accordingly until a New Valuation is taken.

*Approved February 15, 1806.*

## 1805. — Chapter 33.

[January Session, ch. 7.]

AN ACT TO ESTABLISH A COMPANY, BY THE NAME OF THE WORCESTER & STAFFORD TURNPIKE CORPORATION.

Persons incor-  
porated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that David Wight Junr., Timothy Newell, Samuel Hobbs, Thomas Upham, James Johnson, John Tarbell, Abijah Shumway, Simeon Allen, Abel Allen, Abel Allen junr., Samuel Shumway, Comfort Johnson,

Stephen Harding, Oliver Morse, Alpheus Wight, John Munger, Stephen Needham, James Tiffany, Samuel Willard, Humphrey Needham, Joseph Pratt, Hollowell Per-  
rin, Jacob Thompson, Ezra Webber, Isaac Partridge,  
Nehemiah May, Joshua Barrett, and Terrence Webber,  
together with such others as already have, or may here-  
after associate with them, their successors and assigns, be  
and they hereby are made a Corporation, by the name of Corporate  
name.  
The Worcester & Stafford Turnpike Corporation, for the  
purpose of locating, making, and keeping in good repair,  
a turnpike road, from the post road in the town of Worces- Course of the  
road.  
ter, thro' the towns of Leicester, Charlton, Sturbridge,  
Holland, and South Brimfield, to the line between Massa-  
chusetts and Connecticut, and so as to meet the Hartford  
Turnpike, in the town of Stafford in the State of Connec-  
ticut, or thro' a corner of Brimfield, as the Committee  
herein named, shall direct; and for this purpose shall  
have all the powers & privileges, and shall also be subject  
to all the duties, requirements, and penalties, prescribed  
& contained in an Act, entitled, "An Act defining the  
general powers and duties of Turnpike Corporations,"  
passed the sixteenth day of March in the year of Our  
Lord one thousand eight hundred and five.

SECT. 2D. *And be it further enacted*, that Salem Town, Abner Brown, and Aaron Marsh Esqrs. be and they hereby  
are appointed a Committee to locate said road in the best  
direction, according to their best skill and Judgment, from  
the Post Road in Worcester to the end of the Stafford Turn-  
pike, at the line of this Commonwealth, in South Brimfield;  
and the said Committee are hereby empowered to assess  
such damages, as any individual may sustain by reason of  
laying Out and making said road, when the Corporation  
and such individual cannot agree, reserving to either party  
the right of trial by Jury, according to the law, Which  
provides for the recovery of damages accruing by the lay-  
ing Out of Public highways. And when the said Com-  
mittee have completed their business, they shall make  
return to the next Courts of General sessions of the Peace  
to be holden in the Counties of Worcester & Hampshire,  
of the courses and distances, and damages assessed in each  
County, which shall have the same effect, as though the  
same had been done by a Committee appointed by said  
Courts, for the same purposes, and that the expence of  
the said Committee shall be paid by the said Corporation.

*Approved February 15, 1806.*

## 1805. — Chapter 34.

[January Session, ch. 8.]

AN ACT IN ADDITION TO AN ACT INTITLED “AN ACT TO INCORPORATE WILLIAM BARTLET AND OTHERS, INTO A COMPANY BY THE NAME OF THE NEWBURY PORT MARINE INSURANCE COMPANY.”

Part of previous  
act repealed.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same* that the tenth Section of the Act entitled “an Act to incorporate William Bartlet and others into a Company by the name of the Newbury Port Marine Insurance Company,” which is in the words following vizt. “*And be it further enacted, That no person being either singly or as a partner with one or more persons a member of any other Company, carrying on the business of Marine Insurance in said Newbury Port, shall be eligible as a Director of the Company by this Act established*” be and hereby is repealed.

SEC. 2. *Be it further enacted,* that from and after the passing of this Act, no person being a Director in any other Marine Insurance Company, shall be a director of the Newburyport Marine Insurance Company, incorporated by the Act to which this is in addition.

*Approved February 15, 1806.*

## 1805. — Chapter 35.

[January Session, ch. 9.]

AN ACT FOR LIMITING THE TIMES WITHIN WHICH WRITS OF ERROR SHALL BE BROUGHT FOR THE REVERSING OF ANY JUDGMENTS.

*Whereas it is expedient that titles estates and interests, depending on judgments, recovered at law, should be quieted after a reasonable time expired after the rendition of such judgments. Therefore*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That no Judgment in any Action or suit heretofore, or which hereafter may be rendered, shall from and after the passing of this Act be reversed or avoided for any Error or defect therein unless the writ of Error brought for reversing the same be sued out within twenty years next after the rendition of such Judgment.

Writs of error  
to be sued out  
within 20 years.

*Provided always*, that if any person who is or shall be <sup>Proviso.</sup> entitled to such writ of error shall at the time such title accrued be within the age of twenty One Years covert or non compos mentis then such person his or her heirs executors or administrators, notwithstanding the said twenty Years expired, may bring a Writ of error for the reversing of any such judgment as such person might have done in case this Act had not been made so as the same writ of error be sued out within five years after the coming of Age, discoveture coming of sound mind or death of such person whichever shall first happen and not afterwards.

*Approved February 15, 1806.*

### 1805. — Chapter 36.

[January Session, ch. 10.]

AN ACT PRESCRIBING THE MANNER OF PROVING PRIVATE ACTS AND RESOLVES OF THIS COMMONWEALTH IN COURTS OF LAW.

*Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That the printed Copies of the Private Acts and Resolves of this Commonwealth which now are or hereafter shall be printed by and under the authority of the Legislature of this Commonwealth shall be admitted as good evidence thereof in all Courts of Law without any further proof whatsoever.

*Approved February 15, 1806.*

### 1805. — Chapter 37.

[January Session, ch. 11.]

AN ACT EXEMPTING COBBOSSEE CONTEE RIVER IN THE TOWN OF GARDINER, FROM THE OPERATION OF ALL LAWS REGULATING THE SALMON, SHAD AND ALEWIVE FISHERIES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same* — That all laws heretofore made, which regulate the fishery of Salmon, Shad, and Alewives, in Cobbossee Contee River, so called, within the town of Gardiner, in the County of Kennebec, or that respect any mill-dam across said river, be so far repealed, that from and after passing this Act, they shall cease to operate or have any effect, so far as respects said river, or any part thereof.

*Approved February 17, 1806.*

## 1805.—Chapter 38.

[January Session, ch. 12.]

AN ACT ESTABLISHING THE TIMES AND PLACE OF HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE WITHIN AND FOR THE COUNTY OF ESSEX.

New terms.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, that from and after the passing of this Act, the Court of General Sessions of the peace for the County of Essex, shall be holden at Ipswich within and for the County of Essex on the second Tuesday of April, & the second Tuesday of October annually, and all Writs processes, recognizances, and other matters and things returnable to, or continued at the term of said Court, heretofore by law to be holden within and for the County of Essex on the last monday of March next, shall be returnable and stand continued to and have day in said Court which is hereby to be holden in and for said County on the second Tuesday in April next.

Former laws repealed.

SEC. 2. *Be it further enacted* that all Laws heretofore made and passed fixing and establishing the times and places of holding the Court of General Sessions of the Peace within and for said County of Essex, be and the same, hereby are repealed.

*Approved February 17, 1806.*

## 1805.—Chapter 39.

[January Session, ch. 13.]

AN ACT ESTABLISHING THE TIMES AND PLACES OF HOLDING THE COURTS OF COMMON PLEAS, AND THE COURTS OF GENERAL SESSIONS OF THE PEACE, IN THE COUNTY OF YORK.

New terms.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, that from and after the passing of this Act, the Courts of Common pleas within and for the County of [of] York shall be holden at York, on the third Monday in April; at Alfred, on the second Monday in September; & at Biddeford, on the first Monday in January; annually. — And the Courts of General Sessions of the Peace within and for the County of York, shall be holden at York, on the Thursday next preceeding the third Monday in April; and at Alfred on the thursday next preceeding the second Monday in September; annually.

SEC. 2. *Be it further enacted*, that all actions, suits, appeals, complaints, bills, informations, recognizances and things whatsoever, now pending by continuance, appeal or otherwise, or which may be hereafter commenced to be heard and tried at the Court of Common Pleas to be holden at York within and for the County of York on the fourth Monday in April next; shall be continued to, have day in, acted upon, heard and tried at the Court of Common Pleas to be holden at York, by virtue of the first section of this Act, — And all petitions and other matters and things continued to, now pending in, or to be commenced at the Court of General Sessions of the Peace to be holden at York within and for the County of York, on the Wednesday next preceeding the third Tuesday of April next; shall be continued to, have day in, acted upon, heard and determined at the Court of General Sessions of the Peace to be holden at York, by virtue of the first section of this Act.

Business transferred.

SEC. 3. *Be it further enacted*, that all Laws heretofore made establishing or altering the times and the places of holding the Courts of Common Pleas, and the Courts of General Sessions of the Peace, within and for the County of York, be, and the same are hereby repealed.

Former laws repealed.

SEC. 4. *Be it further enacted*, that the Secretary shall cause this Act to be published in the New England Palladium, and in the several Newspapers printed in Portland, as soon as may be.

Secretary directed to publish act.

*Approved February 21, 1806.*

## 1805. — Chapter 40.

[January Session, ch. 14.]

AN ACT FOR SETTING OFF ELIJAH GOODENOUGH & OTHERS FROM THE FIRST PRECINCT IN BOYLSTON IN THE COUNTY OF WORCESTER AND ANNEXING THEM TO THE SECOND PRECINCT IN BOYLSTON, STERLING AND HOLDON.

*Whereas when the second Precinct in Boylston, Sterling and Holden was incorporated, the Lands now owned by Elijah Goodenough, David Hathan, Levi Peirce, Francis Keyes, Jacob Hinds, Hollis Peirce, John Smith and Jonas Holt, included within the Lines of the said second precinct, were, by the certificate of the choice of the owners thereof, reannexed to the First Precinct in Boylston, according to the provision made in the second Section of the Act incorporating said second Precinct and they have now petitioned to be annexed to the said second precinct.*

Preamble.

Persons set off  
from first  
precinct.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* that the said Elijah Goodenough, David Hathan, Levi Peirce, Francis Keyes, Jacob Hinds, Hollis Peirce, John Smith and Jonas Holt together with all their Lands and tennements lying within the said second Precinct be and they are hereby set off from the first Precinct in Boylston and annexed to the second Precinct in Boylston, Sterling and Holden.

*And whereas* Oliver Peirce, William Eames, Jonathan Plimpton, Daniel Harris, Edmund Brigham, Zachariah Child and Thomas Hatherly have also petitioned that they may be set off from the said first and annexed to the sd. second precinct.

Persons  
annexed to  
second precinct.

SECT. 2. *Be it further enacted,* that they the said Oliver Peirce, William Eames, Jonathan Plimpton, Daniel Harris, Edmund Brigham, Zachariah Child and Thomas Hatherly with their Families and estates be and they hereby are set off from the said first precinct in the Town of Boylston and annexed to the said second precinct in Boylston, Sterling and Holden.

*Approved February 22, 1806.*

## 1805. — Chapter 41.

[January Session, ch. 15.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE PLUMB ISLAND TURNPIKE AND BRIDGE CORPORATION.

Persons incor-  
porated.

SEC. 1 *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Leonard Smith, Ebenezer Stocker, Moses Brown, William Bartlett, David Coffin, Jonathan Gage, and John Greenleaf together with all such other persons as have or may hereafter associate with them, their successors and assigns be, and they hereby are made a Corporation by the name of The Plumb Island Turnpike and Bridge Corporation, for the purpose of laying out and making a Turnpike road from the north east end of Rolfe's Lane, in the town of Newbury, in the County of Essex, in a line as direct as practicable to a point on Plumb Island, about one mile north of Sandy Beach, so called, and building a bridge across Plumb Island River, and other necessary bridges, and for this purpose, shall have all the powers and priviledges, and be subject to all the duties, require-

Corporate  
name.



ments and penalties, contained in an Act, entitled, “ An Act defining the general powers and duties of Turnpike Corporations,” passed March the sixteenth, One thousand eight hundred and five. *Provided*, said Bridge across said Plumb Island River be constructed in the following manner, vizt. — that there shall be a convenient draw in said bridge of thirty feet in width, and that there shall be a wharf by the side of the draw extending twenty five feet from each side of said bridge, and a plank fixed for a towing-path through the draw, on the same side with said wharf, for the convenience of towing of vessels and boats through said bridge, and an Arch of fifty feet in width under said bridge, the under side of said Arch to be at least eight feet above high water mark, at a common tide; and *Provided*, the said draw shall be kept raised, in the night time, from the fifteenth day of August to the first day of October annually, and be raised at all other times for vessels or boats to pass free of toll, and one lamp shall be kept burning over the centre of said Arch, and another lamp at the draw in the night time, from the said fifteenth day of August to the first day of October Annually.

Description of bridge.

SEC. 2. *Be it further enacted*, That said corporation be, and hereby are authorised and impowered to demand and receive, two cents of each foot person who may pass the gate, which may be establis[h]ed for said Turnpike and Bridge; and that said Corporation shall take such effectual measures as will prevent all such horses, neat cattle, Sheep and Swine, as may be found going at large, from passing over said Turnpike and Bridge, so as to get on to the salt marsh, or said Plumb Island adjoining.

Toll established, &c.

*Approved February 24, 1806.*

## 1805. — Chapter 42.

[January Session, ch. 16.]

AN ACT TO ANNEX THE TOWN OF HINSDALE, TO THE MIDDLE DISTRICT FOR THE REGISTRY OF DEEDS, FOR THE COUNTY OF BERKSHIRE.

*Be it enacted by the Senate, and House of Representatives in General Court assembled, and by the authority of the same*, that from and after the passing of this Act, the town of Hinsdale be and hereby is annexed to the Middle District for the Registry of Deeds in the County of Berkshire, and the qualified Voters of said town shall in future Vote accordingly for a Register of Deeds for the said Middle District.

*Approved February 25, 1806.*

## 1805.—Chapter 43.

[January Session, ch. 17.]

AN ACT AUTHORISING THE INHABITANTS OF THE TOWN OF ACTON IN THE COUNTY OF MIDDLESEX TO REGULATE THE TAKING OF FISH, CALLED SHAD AND ALEWIVES WITHIN THE LIMITS OF SAID TOWN.

Shad and alewife fishery to be regulated.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That from and after the passing of this Act, it shall be lawful for the inhabitants of Acton, to sell the right and regulate the times, places, and manner of taking Shad, and Alewives within the limits of said town, not exceeding, in point of time, three days in a Week. — And the inhabitants of said town, at their annual meetings in March or April are hereby authorised and empowered to appoint Agents whose duty it shall be to carry into execution the purposes of this Act.

Agents to sell right of taking fish and to be accountable for proceeds.

SEC. 2. *Be it further enacted,* That the Agents aforesaid may, in behalf of said town, and for their use and benefit sell the right and regulate the times, places and manner of taking said fish within the town aforesaid — And for the proceeds of the sale of said right, said Agents shall be held to Account with and pay to the said inhabitants from time to time in such manner as they shall direct by vote in said meetings in March or April.

Penalty for taking fish contrary to regulations.

SEC 3. *Be it further enacted,* That the said Agents shall forthwith, after establishing such rules and regulations, and determining by whom said fish may be taken, cause a copy thereof, under their hands, to be posted up in two or more public places within the said town; And if any person or persons, other than those to whom said right shall be sold as aforesaid, shall take any of said fish within the town aforesaid, or if any person or persons to whom said right shall be sold as aforesaid, shall take any of said fish, at any other time, in any other place, or in any other manner, than shall be expressed in the conditions of the sale to them, such person or persons, so offending, shall severally and for each and every offence, forfeit and pay treble the value of said fish so taken; to be recovered in an Action on the case, to the use of any person who may sue for the Same.

*Approved February 25, 1806.*

1805. — Chapter 44.

[January Session, ch. 18.]

AN ACT TO INCORPORATE SIMON LARNED AND OTHERS BY THE NAME AND STILE OF THE PRESIDENT, DIRECTORS AND COMPANY OF THE BERKSHIRE BANK.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* that Simon Larned, Timothy Childs, Joshua Danforth, Daniel Pepoon, David Campbell, James D. Colt Junr., Thomas Allen Junr., Theodore Hinsdale Junr., Ebenezer Center, Joseph Merrick and their associates, successors and assigns, shall be, and hereby are created and made a Corporation, by the name and stile of the President, Directors and Company of the Ber[s]kshire Bank, and shall so continue from the first monday of October next, until the first monday of October in the year of our Lord One thousand eight hundred and twelve, and by that name shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended in any Courts of record, or any other place whatever; and also to make, have and use a common Seal, and the same again at pleasure to break, alter and renew; and also to ordain, establish and put in execution such bye-laws, ordinances and regulations as to them shall appear necessary and convenient for the government of the said Corporation and the prudent management of their affairs, provided such bye-laws, ordinances and regulations, shall in no wise be contrary to the constitution and laws of this Commonwealth—And the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

Persons incor-  
porated.

Corporate  
name.

General powers.

SEC. 2ND. *Be it further enacted,* that the capital Stock of the said Corporation shall consist of seventy five thousand dollars in gold or Silver, to be divided into shares of one hundred dollars each; and the said sum of seventy-five thousand dollars shall be paid in, on or before the first monday of October in the year of our Lord one thousand eight hundred and six; and no discount shall be made at said Bank, until the Directors and Company aforesaid shall have produced satisfactory evidence to the Governor and Council, that the whole of said Capital Stock has been paid in and actually exists, in gold and silver in their Vaults.

Capital stock;  
shares, etc.

And the Stockholders at their first meeting shall, by a Majority of votes, determine the mode of transferring and disposing of the stock, and the profits thereof; which being entered in the books of the said Corporation, shall be binding on the Stockholders, their successors and assigns: *Provided*, that no stockholder shall be allowed to borrow at the said Bank until he shall have paid in his full proportion of the said capital stock. And the said Corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain, to them their successors and assigns, lands, rents, tenements and hereditaments to the amount of ten thousand dollars and no more at any one time, with power to bargain, sell and dispose of the same lands tenements and hereditaments, and to loan and negotiate their monies and effects, by discounting, on Banking principles, on such security as they shall think advisable. *Provided however*, that nothing herein contained shall restrain or prevent the said Corporation from taking and holding real estate on execution or in mortgage to any amount, as collateral security for the payment of any debt due to the said corporation.

Rules, etc.

SEC. 3RD. *Be it further enacted*, that the following rules, limitations and provisions shall form, and be the fundamental articles of the said Corporation. First That the said Corporation shall not issue and have in circulation at any one time, bills, notes or obligations to a greater amount than twice their stock actually paid in; neither shall there be due to the said Corporation at any one time, more than twice their capital stock paid in as aforesaid. And in case of any excess, the Directors under whose Administration it may happen shall be liable for the payment of the same, in their private capacity; but this shall not be construed to exempt the said Corporation, or any estate, real or personal, which they may hold as a body corporate, from being also liable for and chargeable with such excess. Second. That the said Corporation shall not vest use or improve any of their monies, goods, chattels or effects in trade or commerce, but may sell all kinds of personal pledges, lodged in their hands, by way of security to an amount sufficient to reimburse the sum loan'd, with interest & charges. Third. That the lands, tenements and hereditaments which the said Corporation shall hold, shall be only such as shall be requisite for the convenient transaction of their business. Fourth. None but

a member of the said Corporation being a citizen of this Commonwealth, and resident therein, shall be eligible for a Director, and the Directors shall choose one of their own number to act as President: and the Cashier, before he enters on the duties of his office shall give bond, with two sureties to the satisfaction of the board of Directors, in a sum not less than ten thousand dollars, with conditions for the faithful discharge of the duties of his office. Fifth. That for the well ordering the affairs of the said Corporation a meeting of the Stockholders shall be held at such place as they shall direct on the first wednesday in October annually, and at any other time during the continuance of the said Corporation and at such place as shall be appointed by the President and Directors for the time being, by public notification given two weeks previous thereto in a newspaper printed in Pittsfield; at which annual meeting there shall be chosen, by ballot seven Directors to continue in office the year ensuing their election; and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportions, that is to say, for one share one vote, and every two shares above one, shall give a right to one vote more: *Provided however* that no one member shall have more than ten votes; and absent members may vote by proxy being authorized in writing. Sixth. The Stockholders may make the President such compensation as to them shall appear reasonable. Seventh. Not less than four Directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose a chairman for the time being in his stead. Eighth. All bills issued from the Bank aforesaid, and signed by the President, shall be binding on the Corporation, but it shall not be lawful to issue any bills between five and ten dollars and thence proceeding decimally, nor more than five per centum of their capital stock, of bills under five dollars, and those of the denomination of one, two and three dollars and of an Oval form of the same impression as the other Banks of this Commonwealth are by law allowed to issue. Ninth. The Directors shall make half yearly dividends of all the profits, rents, premiums and Interests of the bank aforesaid. Tenth. The directors shall have power to appoint a Cashier Clerks and such other Officers for carrying on

the business of said Bank with such salaries as to them shall seem meet. Eleventh. No Director of any other Bank shall be eligible to the office of Director of this Bank, altho' he may be a stockholder therein and any Director accepting an office in any other Bank shall be deemed to have vacated his place in this Bank.

Location of bank.

SECT. 4TH. *Be it further enacted*, that the said Bank shall be established and kept in the Town of Pittsfield in the County of Berkshire.

Legislative committee may examine books, &c.

SEC. 5TH. *Be it further enacted*, That any Committee specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of the said Corporation, and shall have free access to all their books and vaults; and if, upon such examination, and after a full hearing of the said Corporation thereon, it shall appear evident that the said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions and conditions in this Act provided; their Charter of incorporation shall thereupon be declared forfeited and void.

First meeting.

SEC. 6TH. *Be it further enacted*, That the persons herein before named or any three of them, are authorized to call a meeting of the members and Stockholders of said Corporation as soon as may be, at such time and place as they may see fit, by advertizing the same for two weeks successively in the Pittsfield Sun, for the purpose of making ordaining and establishing such bye-laws, ordinances and regulations for the orderly conducting the affairs of the said Corporation, as the said Stockholders shall deem necessary, and for the choice of the first board of Directors and such other officers as they shall see fit to choose.

Semi-annual statements to be made.

SEC. 7TH. *Be it further enacted*, That it shall be the duty of the Directors of said Bank to transmit to the Governor and Council of this Commonwealth, for the time being, on the first Mondays of January and June every year, and as much oftener as may be required, accurate and just statements of the amount of the capital stock of the said Corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, notes of other Banks, and of the gold & silver and other coined metals on hand; which statements shall be signed by the Directors and attested by the Cashier, and shall be verified by the oaths of such Directors and Cashier, to be administered by some disinterested Magistrate.

SEC. 8TH. *Be it further enacted*, That the said Corporation shall be liable to pay any bona fide holder the original amount of any note of said Bank, which may be altered in the course of its circulation to a larger amount, notwithstanding such alteration.

Original amount of altered bills to be paid.

SEC. 9TH. *Be it further enacted*, That nothing contained in this Act shall be construed to prevent the Legislature from taxing the said Bank at any time hereafter, when they shall judge it expedient.

Bank liable to taxation.

SEC. 10TH. *Be it further enacted*, That the Commonwealth shall have a right, whenever the government thereof shall make provision by law, to subscribe to, and become interested in the capital stock of the said Bank, by adding thereto, in a sum not exceeding one third part thereof, subject to the regulations and provisions, to be by them made and established.

Commonwealth may subscribe to capital stock.

SEC. 11TH. *Be it further enacted*, That one eighth part of the whole funds of the said Bank, shall always be appropriated to loans to be made to Citizens of this Commonwealth, and wherein the Directors shall wholly and exclusively regard the Agricultural interest; which loans shall be made in sums, of not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by sufficient mortgage of real estate, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeiture and right of redemption as is by law provided.

One eighth of capital to be appropriated for loans to promote the agricultural interest.

SEC. 12TH. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth, any sum of money not exceeding seven thousand five hundred dollars, reimburseable at five annual instalments, or at any shorter period, at the election of the Commonwealth with the annual payment of interest at a rate not exceeding five per centum; *provided however*, that the Commonwealth shall never at any one time stand indebted to the said Corporation without their consent, for a larger sum than seven thousand five hundred dollars.

Money to be loaned Commonwealth when required.

SEC. 13TH. *Be it further enacted*, That when execution shall issue upon any judgement recovered against the President, Directors and Company of the Berkshire Bank, and shall be returned unsatisfied in the whole or in part, the plaintiff may sue out a *scire facias* against such persons,

In case of execution on a judgement recovered against the president and directors.

who were President and Directors of the same Bank at the commencement of the original action, and are living, to have execution against their goods and estate, and for want thereof upon their bodies, and execution shall be awarded accordingly with customary damages and costs, unless the defendants can shew that the said Judgement is satisfied, or that the transactions of the said Bank have been conducted and managed with fidelity, prudence and discretion.

A premium of fifty dollars to be paid for conviction of a counterfeiter of the bills issued by bank.

SEC. 14TH. *Be it further enacted*, That the said Corporation shall be holden to pay a premium of fifty dollars to every person, who shall prosecute to conviction, in any Court having jurisdiction thereof, any person or persons who shall counterfeit or alter the Bills of said Bank.

Bills to be printed on stereotype plates.

SEC. 15TH. *And be it further enacted*, that all the Bills or Notes issued from said Bank shall be printed and made from Stereotype Plates.

*Approved February 25, 1806.*

## 1805. — Chapter 45.

[January Session, ch. 19.]

AN ACT EMPOWERING THE INHABITANTS OF THAT PART OF THE COUNTY OF OXFORD, WHICH LIES SOUTHWESTERLY OF THE TOWN OF WATERFORD TO CHOOSE A REGISTER OF DEEDS.

District formed for registry of deeds; mode of election of register, &c. prescribed.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, that the Towns of Fryeburg, Brownfield and Lovell, and such plantations and Lands, in said County of Oxford, as lie southerly of Gilead, and westerly of Bethel, Albany, Waterford and the County of Cumberland, be, and they, hereby, are constitu[t]ed a District, for the Registry of Deeds; and the Inhabitants of the said District are hereby authorised to choose a Register of Deeds, for the same District, in manner provided by Law. and the Register, so chosen, shall keep his Office within the said Town of Fryeburg; and Judah Dana Esquire, a Justice of the Peace within and for said County of Oxford, is hereby authorised and empowered to issue his Warrant, directed to the Selectmen of the aforesaid Towns of Fryeburg, Brownfield and Lovell, and to the Assessors of those Towns and plantations authorised by law to Vote for a Register of Deeds within said District; ordering them forthwith to convene the Inhabitants of the said Towns



and Plantations qualified to Vote for a Register of Deeds, that they may proceed to the choice of some meet person, qualified by Law, for the Office of Register of Deeds, and ordering the said Selectmen and assessors to seal up and transmit a transcript of the record of the number of Votes and persons Voted for, in their respective Towns and plantations, together with the Warrant, to the Court of Common Pleas, next to be holden at Paris, within and for the said County of Oxford, on the second Tuesday of June next to be opened and compared with the like returns from the other Towns and plantations in such District: and the Person having the Majority of Votes, after being sworn, and giving Bond, as by Law directed, shall be the Register of Deeds in said District, and shall continue in the said Office, until the last day of March One thousand eight hundred and eleven, and until said Register, so chosen as aforesaid, shall be reelected, or another person is chosen and sworn in his room, unless sooner removed or discharged by order of the Court of Common pleas for the said County of Oxford; and, if it shall appear, that no person has a Majority of Votes, for said Office, in said District, upon the examination of the returns, as aforesaid, the same proceedings shall be had, as are directed, by Law, in other cases of Vacancy in the Office of Register of Deeds.

SECT. 2. *Be it further enacted*, that the person chosen as aforesaid, shall be subject to the same rules and disqualifications to which Registers of Deeds for the several Counties are Subject; and, from and after the first day of July next, shall be fully authorised and empowered to Register and record all Deeds of conveyance of any lands or other real estate, lying within said District, and all such other Deeds and Instruments as may, properly, be recorded by a County Register; and the records of Deeds and Instruments, as aforesaid, shall be Valid to all intents and purposes whatsoever: And the Record of any deeds of conveyance of any lands or other real estate, lying within said District, which, after the said first day of July next, shall be made by any other, than the person to be chosen, as aforesaid, by the said District, shall be void & of no effect; & the Register, who shall be chosen, as aforesaid, shall be entitled to the same fees in the execution of his Office, as the Register of Deeds of the several Counties are intitled to.

Register to be subject to the usual rules, and invested with suitable powers.

Existing records for the district to be delivered to the register when chosen.

SECT. 3. *Be it further enacted*, that it shall be the duty of the present Register of Deeds, for the said County of Oxford, to deliver over all such records, as, he shall have made as Register of Deeds for the Northern District of the County of York and for the County of Oxford, to the Register who shall be chosen for the District, which is hereby constituted.

*Approved February 26, 1806.*

## 1805. — Chapter 46.

[January Session, ch. 20.]

AN ACT TO SET OFF SETH PHILLIPS, AND JABEZ WARD, FROM THE TOWN OF GERRY, AND TO ANNEX THEM TO THE TOWN OF ATHOL.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Seth Phillips, & Jabez Ward, with their families, and all those parts of their lands which are within the bounds of the town of Gerry, be and they are hereby set off from the said town of Gerry, and shall be annexed to, and made a part of the town of Athol: *Provided however* that the said Phillips and Ward, shall be holden to pay their respective proportions of all State, County, town, and parish taxes assessed upon them, and due to the said town of Gerry, prior to the date of this Act. And that the sum of one Cent, be and hereby is deducted from the proportion of the last state valuation, set to the town of Gerry, and added to the proportion of the state valuation set to the town of Athol.

*Approved February 28, 1806.*

## 1805. — Chapter 47.

[January Session, ch. 21.]

AN ACT, IN ADDITION TO AN ACT, ENTITLED "AN ACT, IN ADDITION TO AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE MASSACHUSETTS FIRE INSURANCE COMPANY."

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that from and after the passing of this Act, the capital stock of the said Fire & Marine, Insurance Company, shall be divided into shares of fifty dollars each, and the whole number of shares shall be eight Thousand, and the whole Capital Stock and prop-

Shares; capital stock

erty, which the said Company shall be authorised to hold, shall never exceed the sum of Four hundred thousand Dollars, exclusive of Premium Notes, and profits, arising from their business. And the President and Directors shall not be allowed to insure any sum, by which they shall hazard, on any one risk, more than seven and an half per Centum of the amount of their Capital Stock ; any thing in any former Act to the contrary notwithstanding.

SECT. 2D. *Be it further enacted*, that nothing in this Act contained shall prejudice or affect any Policy of Insurance heretofore made by said Company, but in case of any loss or losses arising or happening on any such policy heretofore made, the party insured thereby, shall have the same remedy, and the estate of each Proprietor or Stockholder shall be held accountable therefor in the same manner, and to the same amount, as if this Act had not been made.

Existing policies not to be affected.

SECT. 3. *Be it further enacted*, That no part of the Capital Stock of the said Corporation shall be withdrawn by the Proprietors thereof, until every contract of Insurance now existing is discharged & terminated.

No part of capital to be withdrawn till existing contracts are fulfilled.

*Approved March 3, 1806.*

## 1805. — Chapter 48.

[January Session, ch. 22.]

AN ACT FURTHER TO CONTINUE IN FORCE AN ACT, ENTITLED “AN ACT TO INCORPORATE SUNDRY PERSONS, BY THE NAME OF, THE PRESIDENT AND DIRECTORS OF THE NANTUCKET BANK.”

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that the Act entitled, “An Act to incorporate sundry persons, by the name, of the President and Directors of the Nantucket Bank,” which passed the twenty-seventh day of February, in the year of our Lord One thousand seven hundred and ninety five ; also one other Act, entitled, “an act in addition to an Act, entitled an Act to incorporate sundry persons by the name of the president & directors of the Nantucket Bank,” which passed the first day of March, in the year of our Lord, one thousand seven hundred, and ninety seven, be, and hereby are continued in full force & effect, until the first monday

Former laws continued in force.

in October, which will be in the year of Our Lord, one thousand, eight hundred & twelve.

Restrictions as  
to bills to be  
issued.

SECT. 2D. *Provided however, and be it further enacted,* that from and after the first day of July next, the said Corporation, shall not issue Bank bills of a less denomination than five Dollars to a larger amount than five per cent upon their Capital Stock, nor any intermediate bills between five and ten Dollars, and thence proceeding decimally; nor shall make any loan upon monies actually deposited in said Bank for safe keeping.

The original  
amount of  
altered bills to  
be paid.

SECT. 3D. *Be it further enacted,* that the said Corporation shall be liable to pay to any Bona fide holder, the original amount of any bill of said bank, altered in the course of its circulation, to a larger amount, notwithstanding such alteration.

Bank liable to  
taxation.

SECT. 4. *Be it further enacted,* that nothing contained in this Act, shall be construed to prevent the Legislature, from taxing said Bank, at any time hereafter, whenever they shall judge it expedient.

Commonwealth  
may subscribe  
to capital stock.

SECT. 5. *Be it further enacted,* that the Commonwealth shall have a right, whenever the Government thereof, shall make provision by law, to subscribe to, and become interested in the Capital Stock of said Bank, by adding thereto a Sum not exceeding thirty thousand Dollars, subject to the rules, regulations, & provisions, to be by them established.

Money to be  
loaned Com-  
monwealth  
when required.

SECT. 6. *Be it further enacted,* that whenever the Legislature shall require it, the said Corporation shall loan to the said Commonwealth, any sum of Money, not exceeding Twenty thousand Dollars, reimbursable at five annual instalments, or at any shorter period, at the election of said Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum. *Provided however,* that said Commonwealth shall never, at any one time, stand indebted, to the said Corporation, without their consent for a larger sum, than Twenty thousand Dollars.

*Approved March 3, 1806.*

## 1805. — Chapter 49.

[January Session, ch. 23.]

AN ACT TO INCORPORATE EZEKIEL HERSEY DERBY AND OTHERS  
FOR THE PURPOSE OF BUILDING A BRIDGE OVER SOUTH  
RIVER IN SALEM.

Preamble.

*Whereas a bridge from Market and Front Streets in Salem, over south River, to the way lately laid out by the*

*Selectmen of Salem will be of great public utility as well as highly beneficial to the inhabitants of said town; and Ezekiel Hersey Derby and others have petitioned this Court for an Act of incorporation to empower them to build said Bridge.*

SECTION 1ST. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, & by the authority of the same, That Ezekiel Hersey Derby and such persons as have associated, or may associate with him for the purpose of building said Bridge shall be a Corporation and Body Politic, under the name of South Salem Bridge, & shall so continue for and during the term of four years from and after the passing of this Act; and by that name may sue & prosecute, and be sued and prosecuted to final judgment and execution, & do and suffer all other matters and things which bodies politic may or ought to do and suffer. And the said Corporation shall have full power and authority to build a Bridge over said river, at the place aforesaid, & to purchase and hold real estate, to the value of twenty thousand Dollars; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure.*

Persons incor-  
porated.

Corporate  
name.

SECTION 2D. *Be it further enacted That the said Bridge over South river aforesaid, shall be well built, at least forty feet wide, of good and suitable materials, and be well covered with gravel, plank or timber on the top, suitable for such a Bridge, with sufficient rails on each side, for the safety of passengers; & the said Corporation shall also build a convenient and sufficient Draw, or passage way, over the channel of said river for the passing & repassing of vessels through said Bridge; and shall also build, at the Draw, a well constructed and substantial Pier wharf on each side of said Bridge, and adjoining the Draw, every way sufficient for vessels to lie at securely; & all vessels intending to pass the said Draw, shall be free of charge at the said wharf or pier, untill a suitable time shall offer for passing the same: And it shall be lawful for said Corporation to make the leaves of the Draw twenty feet long instead of forty feet, the width of the Bridge.*

Description of  
bridge.

SECTION 3D. *Be it further enacted, That the Justices of the Court of General Sessions of the Peace for the County of Essex, shall be, & hereby are authorized and directed on application of the said Corporation to lay out a highway from Market and Front streets aforesaid, to the*

New road to be  
laid out.

channel of said river, not less than forty feet wide, upon which said Bridge and Peirs shall be built; and the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for said way, where the same cannot be obtained by voluntary agreement, to be estimated by a Committee of the Court of General Sessions of the Peace for said County, saving to either party a right of trial by Jury, according to the Law which makes provision for the recovery of damages by laying out public highways.

First meeting.

SECTION 4TH. *Be it further enacted*, That the said Ezekiel Hersey Derby, or any two of his associates may, by an advertisement in the Salem Gazette, call a meeting of the members of said Corporation, to be holden at any suitable time & place, after ten days from the publication of said advertisement, and by vote of the majority of those present, or represented at said meeting, in all cases accounting and allowing a vote to each single share, they shall choose a Clerk, who shall be sworn to the faithful discharge of his duty; and also shall agree on a method for calling future meetings, and at the same, or any subsequent meeting, may agree to raise any sum or sums of money they shall think necessary for the purposes aforesaid, and order the same to be assessed on the members of said Corporation, according to the number of shares they respectively hold, and may make and establish any rules and regulations that shall be necessary or convenient for regulating the said Corporation, & for effecting, completing & executing the purposes aforesaid: *Provided* such rules & regulations are not repugnant to the Laws & Constitution of this Commonwealth. And the said Proprietors may also chuse and appoint any other officer or officers of the Corporation that they may deem necessary. And all representations at any meeting shall be proved in writing signed by the person making the same, which shall be filed with, and recorded by the Clerk; and this Act, and all rules, regulations and votes of the said Corporation shall be fairly and truly recorded by the said Clerk in a book or books, for that purpose to be provided and kept.

Bridge to be transferred to the town of Salem.

SECTION 5TH. *Be it further enacted* That when said Bridge and Piers shall be sufficiently made and built, & shall be approved by a Committee of the Court of General Sessions of the Peace for the County of Essex, appointed for that purpose, the said Corporation may transfer and

deliver the same Bridge and Piers to the town of Salem aforesaid, which shall be obliged to receive, and forever after maintain and keep the same in repair: *Provided* that the said town of Salem shall, at any legal meeting hereafter to be holden for that purpose, accept the same.

SECTION 6TH. *Be it further enacted*, That if said Corporation shall neglect, for the space of three years after the passing of this Act, to build the said Bridge, then this Act shall be void.

Time for building bridge limited.

*Approved March 3, 1806.*

## 1805. — Chapter 50.

[January Session, ch. 24.]

AN ACT TO INCORPORATE THE CONGREGATIONAL SOCIETY IN THE TOWN OF DOUGLAS, AS A RELIGIOUS SOCIETY, BY THE NAME OF THE CONGREGATIONAL SOCIETY IN DOUGLAS.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elijah Moore, Benjamin Wallis junr., Aaron Marsh, Benjamin Dudley, Benjamin Craggin, Caleb Whiting, Edmund Carpenter, James Lee, John Farnum, Obadiah Morse, Paul Dudley, Ezekiel Preston, Levi Morse, Timothy Craggin, Abner Whiting, Jacob Morse, Samuel Williams, Amos Humes, Richard Howell jun., Elijah Smith jun., Edmund Carpenter jun., John Partridge, Benjamin Larned, Samuel Balcome, Josiah Thayer, Henry Riedel, Simeon Marsh, John Whiting, Sylvanus Pratt, Oliver Hunt, Thomas Biglow, John Bolcom, Samuel Wallis, Robert Hale, Otis Farnum, David Chase, Greenleaf Briggs, Samuel Chase, Reuben Ide, Moses Holbrook, Jonathan Sprague, Marvel Morse, Job Knap, Stephen Southworth, Daniel Taylor, Ellis Bolcom, Luke R. Stone, John Lee, Nathaniel Carpenter, Timothy Whiting, Otis Hunt, John Marsh, Clark Hunt, John N. Williams, Abishai White, Daniel Brown, Lemuel Dudley, Philip Howell, Asa Chase, Eseck Paine, Barnabas F. Howell, David Whiting, Joseph Hunt, Aaron Wallis, Benjamin Wallis senr., David Wallis, Seth Jepherson, Amos Morse, Robert Smith, Elijah Brown, Josiah Humes, Abner Chilson, David White, Jesse Williams, Comfort Martin junr., Comfort Clafflen, Caleb Hill, Peter Reed, Job Jepherson, Joseph Read, Josiah Read, Samuel Cummings, Silas Cumings, William Jepherson, Elisha Hale, Ebenezer Cook, Jesse Morse, Joseph Robbins, with their

Persons incorporated.

Corporate  
name.

polls and Estates, be and hereby are incorporated into a Society, by the name of the Congregational Society in Douglas and that they be, and hereby are invested with all the powers, priviledges and immunities, to which other Parishes or religious Societies are intitled, by the Constitution and Laws of this Commonwealth.

Corporation  
membership.

SECT. 2D. *Be it further enacted*, that such other Inhabitants of the said town of Duglas as have heretofore usually attended public Worship with the Congregational Society therein, or who shall hereafter usually attend public Worship with said incorporated Society, shall be deemed and taken with their polls and estates, as belonging to and making part of said incorporation to all intents and purposes, as though particularly named in this Act.

Meeting-house  
to vest in cor-  
poration, &c.

SECT. 3D. *Be it further enacted*, that the said incorporated Society, from and after the passing of this act, be and hereby is invested with the privilege of improving and enjoying the Congregational Meeting house in said town of Douglas, for the purpose of assembling therein for public worship, in the same manner as the Congregational Society in said town, has hitherto done, and of receiving and holding the donation which Deacon Jeremiah Whiting made to the said town of Douglas, to be appropriated for the support of the Congregational Ministry and Church therein, according to the intentions and directions of the Donor.

Minister to  
have benefit  
of ministry  
wood-lot.

SECT. 4. *Be it further enacted*, that the Minister of said Congregational Society, shall have a right to occupy and improve the Ministry wood lot, in Douglas Woods (so called) in the same way and manner, that the Congregational minister has heretofore done.

First meeting.

SECT. 5. *Be it further enacted*, that Aaron Marsh Esqr., be, and he is hereby authorised to issue his Warrant, directed to some inhabitant of said town, requiring him to notify and Warn the members of said Society, qualified to Vote in Parish affairs, to meet at such convenient time and place, as shall be expressed in said Warrant, for the purpose of choosing such officers, as parishes are by law required to choose in the Months of March or April annually.

*Approved March 3, 1806.*



1805. — Chapter 51.

[January Session, ch. 25.]

AN ACT TO AUTHORIZE THE RAISING OF A FUND FOR THE SUPPORT OF PUBLIC SCHOOLS IN THE TOWN OF NORTH YARMOUTH IN THE COUNTY OF CUMBERLAND.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that Samuel Mason, Asa Lewis, Ammi R. Mitchell, William Buxton, Jacob Mitchell, Edward Russell, Samuel York, Cushing Prince, David Prince, Sylvanus Drinkwater, and John Lawrance, be, and hereby are appointed Trustees to sell the School Farm, so called, consisting of Two hundred acres more or less, belonging to said Town of Northyarmouth, which was originally appropriated for the use of Schools, and to put out at interest the money arising from such sale, in manner hereinafter mentioned and for that purpose. Trustees appointed.

SECT. 2. *Be it further enacted,* That the said Trustees be, and hereby are incorporated into a Body Politic by the name of The Trustees of the School Funds in the town of Northyarmouth in the County of Cumberland; and they and their successors shall be and continue a Body Politic and Corporate by that name forever; and they shall have a common seal, subject to be altered at their pleasure; and they may sue and be sued in all actions real personal or mixed, and prosecute and defend the same to final judgment & execution by the name aforesaid. Corporate name.

SECT. 3. *Be it further enacted,* That the said Trustees and their Successors shall and may annually elect a President, and Clerk to record the doings and transactions of the Trustees at their meeting, and a Treasurer to receive and apply the monies hereinafter mentioned as hereinafter directed, and any other needfull officers, for the better managing their business. Officers.

SECT. 4. *Be it further enacted,* That the number of Trustees shall not be, at any one time, more than eleven nor less than seven, any six of their number to constitute a quorum for transacting business, and they shall and may from time to time, fill up vacancies in their number, which may happen by death, resignation or otherwise from the Inhabitants of said Town; and shall have power to remove any of their number who may become unfit or incapable Number of trustees limited, &c.

from age, infirmity, misconduct or any other cause, of discharging their duty, and to supply a vacancy so made by a new choice from the Town aforesaid: And the said Trustees shall annually hold a meeting in March, and as much oftener as may be found necessary, to transact the business of said Corporation, which meetings after the first shall be called in such way and manner as the Trustees shall hereafter direct.

First meeting.

SECT. 5. *Be it further enacted*, That Samuel Mason be, and hereby is authorized to fix the time and place for holding the first meeting of the Trustees, and to notify each Trustee thereof.

Trustees to sell school-farm.

SECT. 6. *Be it further enacted*, That the said Trustees be, and are hereby authorized and empowered to sell and convey in fee simple the School farm aforesaid belonging to said Town as aforesaid, and to make, execute and acknowledge a good and sufficient deed or deeds thereof; which deed or deeds subscribed by the name of their Treasurer, by direction of said Trustees with their seal thereto affixed, shall be good and effectual in law to pass and convey in fee simple from said Town to the purchaser, to all intents and purposes whatever.

Proceeds of sale to be put at interest.

SECT. 7. *Be it further enacted*, That the monies arising from the sale of said School farm, shall be put at Interest as soon as may be, and secured by Mortgage of real estate to the full value of the estate sold, or by two or more sufficient sureties with the principal, unless the Trustees shall think it best to invest the same in public funded securities or Bank Stock of this Commonwealth which they may do.

The interest to be put at interest.

SECT. 8. *Be it further enacted*, that the interest arising from time to time on such monies shall be annually or oftener if practicable put out at interest and secured in manner aforesaid, and also the interest accruing from the interest untill a fund shall be accumulated on the sale of said School farm and the interest arising thereon which shall yield yearly the sum of three hundred dollars at least.

Fund to be appropriated to the support of schools.

SECT. 9. *Be it further enacted*, that as soon as an interest to the amount of three hundred dollars annually shall accrue the Trustees shall forthwith apply the same towards the annual support of public Schools in said Town, and to be apportioned among the several School Districts in said Town, in proportion to what they pay of Town

taxes, and it shall never be in the power of said Town or Trustees to alter or alienate the appropriation of the fund aforesaid.

SECT. 10. *Be it further enacted*, that the Clerk of said Corporation shall be sworn previous to his entering on the duties of his office and the Treasurer of the Trustees shall give bond faithfully to perform his duty & to be at all times responsible for the faithful application and appropriation of the money which may come into his hands conformably to the true intent and meaning of this act and for all negligence and misconduct of any kind in his office.

Clerk to be sworn; treasurer to give bonds.

SECT. 11. *Be it further enacted* that the Trustees or their officers for the services they may perform, shall be entitled to no compensation out of any money arising from the fund aforesaid.

Trustees not to be compensated.

SECT. 12. *Be it further enacted*, that the said Trustees and their successors shall exhibit to the Town at their annual meeting in May a regular and fair statement of their doings.

Annual statement to be made.

SECT. 13. *Be it further enacted*, that the said Trustees and each of them shall be responsible to the Town for their personal negligence or misconduct, whether they be officers or not, and liable to a suit for any loss or damage arising thereby, the debt or damage recovered in such suit to be for the uses aforesaid.

Trustees to be personally responsible.

*Approved March 3, 1806.*

## 1805. — Chapter 52.

[January Session, ch. 26.]

AN ACT TO ALTER THE TIME OF HOLDING ONE OF THE TERMS OF THE COURT OF COMMON PLEAS AND GENERAL SESSIONS OF THE PEACE IN THE COUNTY OF BERKSHIRE.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Court of Common Pleas and Court of General Sessions of the Peace, now by law appointed to be holden annually at Lenox, within and for the County of Berkshire, on the first Monday of January, shall in future be annually holden at the same place on the last Monday in December, any law to the contrary notwithstanding.

*Approved March 3, 1806.*

## 1805. — Chapter 53.

[January Session, ch. 27.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER EASTERN RIVER, IN DRESDEN, IN THE COUNTY OF LINCOLN, AT OR NEAR CALL'S FERRY, AND FOR SUPPORTING THE SAME."

*Whereas the Proprietors of Eastern river bridge, at Call's ferry in Dresden, have represented to the General Court, that the compensation they derive from the present rates of toll is inadequate; and have prayed for an increase of the toll over said bridge.*

Part of previous  
act repealed.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the fourth Section of an Act, entitled, An Act for incorporating certain persons for the purpose of building a bridge over Eastern river, in Dresden in the County of Lincoln at or near Call's ferry, and for supporting the same" as establishes the rates of toll, to be taken at said Bridge; be and the same is hereby repealed, and that the following rates of toll be, and hereby are granted to & established for the sole benefit of said proprietors, that is to say, for each foot passenger, three cents, for each horse and rider twelve and One half cent; for each two wheel Carraige for passengers if drawn by one horse twenty five cents; if drawn by more than one horse thirty cents; for each four wheel Carriage for passengers, if drawn by two horses thirty three cents, if drawn by more than two horses forty cents; for each riding sleigh drawn by one horse Seventeen cents, if drawn by two horses twenty cents, if drawn by more than two horses thirty cents; for each Cart, Sled, Sleigh, or other team of burthen drawn by one beast sixteen cents, if drawn by two beasts twenty cents, if drawn by more than two beasts twenty five cents; for each Waggon drawn by two beasts twenty cents, if drawn by more than two beasts twenty five cents; for horses without a rider, and for neat Cattle six cents each, and for Sheep and Swine twelve and one half cent per dozen; and one driver and no more to each team, shall be allowed to go free of toll.

Toll estab-  
lished.

*Approved March 4, 1806.*

### 1805. — Chapter 54.

[January Session, ch. 28.]

AN ACT FOR ALLOWING FURTHER TIME TO THE PROPRIETORS OF THE FOURTEENTH MASSACHUSETTS TURNPIKE CORPORATION, FOR COMPLETING THE SAME.

*Be it enacted, by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That a further time of two years, from the eleventh day of March in the year of our Lord one thousand eight hundred and six, be and hereby is allowed to said proprietors to complete said Turnpike road, any thing in the original Act of incorporation to the contrary notwithstanding.*

*Approved March 4, 1806.*

### 1805. — Chapter 55.

[January Session, ch. 29.]

AN ACT TO PREVENT DAMAGE FROM FIRING CRACKERS, SQUIBS, SERPENTS, & ROCKETS, WITHIN THIS COMMONWEALTH.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that from and after the first day of May next, if any person shall offer for Sale, set fire to, or throw any lighted cracker, Squib, rocket or serpent, within this Commonwealth, without the license of the Selectmen of the several towns respectively first obtained therefor, he shall forfeit for every such offence the sum of five dollars, one moiety to the use of the poor of that town in which the offence shall be committed, and the other moiety to the use of the prosecutor, to be recovered by action of debt, or by information, before any justice of the peace of the County in which the offence shall be committed, with the cost of suit.*

*Approved March 4, 1806.*

### 1805. — Chapter 56.

[January Session, ch. 30.]

AN ACT TO INCORPORATE THE NORTHWESTERLY PART OF THE TOWN OF NORTHYARMOUTH IN THE COUNTY OF CUMBERLAND, INTO A NEW PARISH, BY THE NAME OF THE SECOND TERRITORIAL PARISH IN NORTH-YARMOUTH.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the*

Boundaries.

*authority of the same*, That the northwesterly part of the town of Northyarmouth in the County of Cumberland, be, and is hereby set off from the first Parish in said Town, by the following boundaries, to wit — Beginning in the line between said Northyarmouth and Falmouth, and between the lots numbered nine and ten in West one hundred acre division in said Northyarmouth, and running between said lots to the range line, then in the range line, to the line between the lots numbered twenty-eight and twenty-nine, and in that line, and by the northeast end of said lot numbered twenty-nine, to the line between the lots numbered forty-nine, and fifty, and between said lots numbered forty-nine, and fifty, and between the lots numbered sixty-nine, and seventy, eighty-four and eighty-five, and in the same course northeast to the west One hundred and twenty acre division, then in the range line to the line between the lots numbered six and seven in said division, and in that line, and in the line between the lots numbered twenty and twenty-one to the range line, then up the range line, to the line between the lots numbered thirty-nine and forty, and in that line to the range line, and in the same to the line between the lots numbered forty-seven, and forty-eight, and in that line to Royal's River, then up said river to the line between the lots numbered thirty-nine and forty on the east side of said river, and in that line to the range line, and in the same, and between the lots numbered thirty-four, and thirty-five, nineteen and twenty, seven and eight to Freeport line; And that all the polls and estates in the said town of Northyarmouth, northwesterly of said boundaries, excepting what belongs to the northwest Congregational Society in Northyarmouth, and to the Baptist religious Society in Northyarmouth and Freeport, be, and hereby are incorporated into a new & sepearte Parish, by the name of The Second Territorial Parish in Northyarmouth, with all the privileges, powers and immunities, which other Parishes in this Commonwealth are entitled to by law.

Corporate name.

Method of joining the parish.

SEC. 2. *Be it further enacted*, That any person or persons, belonging to the Northwest Congregational Society in Northyarmouth, or, to the Baptist religious Society in Northyarmouth and Freeport, living within the bounds of said Second Territorial Parish, may become members of said Parish, in the same way and manner that they could become members of said First Parish, before the passing

of this Act; And also, that the members of said Second Territorial Parish, may become members of either of said Societies, in the same way and manner, that the members of said first Parish can become members of either of said Societies, agreeable to the provisions of an Act, entitled, “An Act in addition to an Act, entitled, An Act to incorporate certain persons by the name of the Northwest Congregational Society in Northyarmouth.

SEC. 3. *Be it further enacted*, That the members of said first Parish, and the members of said Second Territorial Parish, shall not poll from one to the other, neither directly nor indirectly; but shall always be considered as members of the Parish of which they are Inhabitants according to the aforesaid boundaries.

Parish boundaries to define membership.

SEC. 4. *Be it further enacted*, That Ammi R. Mitchell Esqr., be, and he is hereby authorised, to issue his warrant, directed to some principal Inhabitant of said Second Territorial Parish, requiring him to warn the legal voters thereof in Parish affairs, to meet at some convenient time and place, to choose all such Parish Officers as are by law required.

First meeting.

*Approved March 5, 1806.*

## 1805. — Chapter 57.

[January Session, ch. 31.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, “AN ACT REGULATING MARRIAGE AND DIVORCE.”

*Whereas, by an Act, entitled “An Act for regulating Marriage and Divorce,” passed in the year of Our Lord one thousand seven hundred and eighty six, no provision is made for a woman divorced for the cause of Adultery committed by her husband, excepting dower to be assigned to her in the lands of the husband, which provision is in many cases inadequate — For remedy whereof:*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That when any woman shall hereafter be divorced from the bond of matrimony for the cause of Adultery committed by the husband, in addition to her dower as in the said Act is provided, and to the real estate which her husband held in her right, the Court, by whom such divorce may be decreed, shall have power to assign to her, for her own use, all the personal estate which the husband hath received by reason of the marriage, or such

Reasonable provision to be made for support of any woman divorced for adultery committed by husband.

part thereof as shall be just and reasonable under all the circumstances of the case, and of the family of the parties, or a sum of money equal in value to the whole of the said personal estate, or to so much thereof, as the Court may judge proper should be so assigned to her. But if the personal estate, or money which the Court are by this Act authorised to assign to the woman, so divorced, together with her dower in her husbands real estate, should be insufficient for her reasonable and comfortable support, then the Court may allow her reasonable alimony out of her husband's estate, so long as she shall remain unmarried, in the same manner as Alimony may be allowed to a woman divorced from bed and board for the cause of extreme cruelty in the husband, regard to be had in making such allowance, to the character, circumstances, and property of the husband, and the character and situation of the Wife.

*Approved March 7, 1806.*

### 1805. — Chapter 58.

[January Session, ch. 32.]

#### AN ACT TO ESTABLISH THE HOusetonic RIVER TURNPIKE CORPORATION.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Timothy Edwards, Erastus Sergeant, Joseph Whiton, Silas Pepoon, Enoch Williams Thayer, Joseph Woodbridge, Thomas Williams Esqrs., Abijah Merrill, John Hutch, John Starns, Elisha Brown, Silas Whitney, Cyrus Williams, John S. Hopkins, Henry Brown, Heman Willard, John Hunt, Simeon Deming, Josiah Deming, Sylvanus Hatch, John Keep, and James Whiton, together with such persons as may hereafter associate with them, and their successors and assigns, shall be a corporation by the name of The Housetonik river Turnpike Corporation, and may exercise and enjoy all the powers and privileges which are incident to and usually given to similar corporations; and shall have full power and authority to make and keep in repair a Turnpike road — Beginning at the line of the State of New York near Arnolds Tavern, and near the Northwest corner of West Stockbridge, from thence in the most direct and convenient route to the Mills near the house of John Newell Junr., in West-Stockbridge, from thence in the best route to the junction of the County roads on Stockbridge plains, so called, from

Persons  
incorporated.

Corporate  
name.

Course of the  
road.



thence in the most direct and convenient course to Lee Forge, and near the place where the Turnpike from New-Marlborough terminates, and from thence in the most direct and best route to the Turnpike leading from Hartford to Lenox, and to connect with the same at or near the dwelling house of David Foot in the eastern part of the town of Lee.

SECT. 2. *Be it further enacted*, That when said Turnpike road shall be well and sufficiently made, and shall be approved by a Committee appointed by the Court of Common pleas within and for the County of Berkshire; then the said Corporation shall be authorized to erect one Turnpike Gate, at some convenient place between the house of John Newell Junr. and the line of the State of New York, at which gate, when approved by a Committee of the Court of Common pleas for the County of Berkshire, the said Corporation shall have a right to demand and receive one half the rates of toll, as established by the laws of this Commonwealth; and the said corporation whenever the road shall be approved as aforesaid, shall be authorised to erect one other Turnpike gate, at or near the place where the said road shall cross the Housatonic river, at which gate, when approved of by said Committee of the Court of Common pleas, the said Corporation, shall have a right to demand & receive half the rates of toll as established by the laws of this Commonwealth, and no more.

Turnpike gates to be erected.

SEC. 3. *Be it further enacted*, That the said Corporation shall be entitled to all and singular the powers, provisions, and privileges; and be subject to all the duties, requirements, and penalties, contained in an Act, entitled, “An Act defining the general powers and duties of Turnpike Corporations, passed the sixteenth day of March, in the year of our Lord, One thousand, eight hundred and five.

Corporation to be subject to general act concerning corporations.

*Approved March 7, 1806.*

## 1805. — Chapter 59.

[January Session, ch. 33.]

AN ACT, IN ADDITION TO AN ACT, ENTITLED, AN “ACT TO INCORPORATE THE SOUTHWESTERLY PART OF WASHINGTON, THE NORTHEASTERLY PART OF GREAT BARRINGTON, (OR HOPLAND SO CALLED) THE GLASS WORKS GRANT, AND PART OF WILLIAM’S GRANT, IN THE COUNTY OF BERKSHIRE, INTO A TOWN, BY THE NAME OF LEE.”

*Whereas in the Act incorporating the town of Lee, an error was made, by leaving out a tract of Land, containing*

*about One thousand acres, which was intended to be taken into, and made a part of said town of Lee: also another error, by taking into the said town of Lee a tract in the Northwest corner thereof, which belongs to the town of Lenox, (commonly called Whelpley's farm) and it appears, that the last mentioned tract, is covered by the Acts of incorporation of both the said towns of Lee and Lenox.*

New line.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that the West line of the town of Lee, shall be so extended, as to include a tract of Land, formerly belonging to the town of Washington, and that the East Line of the town of Lenox, shall henceforth be considered & taken, as the West line of the town of Lee, from where the East line of Lee, strikes the Ousatonock River, to the North line of the Glassworks grant. And that the tract heretofore considered as belonging to the town of Lee, commonly called Whelpley's farm, and which is covered by the acts of incorporation, of both the said towns of Lee & Lenox, shall henceforth be considered within the bounds, & made a part of the town of Lenox.*

Proceedings confirmed.

SEC. 2. *Be it further enacted, that all the legal acts and proceedings of the said town of Lee, in their Corporate capacity, be and hereby are confirmed and made Valid, any error in the aforementioned Act of incorporation notwithstanding.*

*Approved March 7, 1806.*

## 1805. — Chapter 60.

[January Session, ch. 34.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO PROVIDE FOR THE DEBT OF THIS COMMONWEALTH."

Commissioners authorized to make purchases not to exceed \$100,000 per annum.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the President of the Senate, the Speaker of the House of Representatives, and the President of the Union Bank for the time being, Commissioners appointed for the purchase of the Debt of this Commonwealth by "an Act to provide for the Debt of this Commonwealth" be and they are hereby directed to cause such purchases to be made as shall to them seem expedient from the State of the Treasury and other circumstances in manner as prescribed by the Act aforesaid — Provided however, That said purchases shall not exceed*

par, nor amount to more than One hundred thousand Dollars per Annum.

SEC. 2. *Be it further enacted*, That there be allowed and paid to said Commissioners as a compensation for their services two thirds of One per centum on the amount of all Notes of this State, which shall hereafter be purchased by them in their capacity aforesaid. Compensation.

*Approved March 7, 1806.*

## 1805.—Chapter 61.

[January Session, ch. 35.]

AN ACT, IN ADDITION TO AN ACT, ENTITLED, AN ACT, IN ADDITION TO AN ACT, ENTITLED, "AN ACT, FOR INCORPORATING THE MEMBERS OF THE EPISCOPAL CHURCH, IN THE TOWN OF PORTLAND, INTO A RELIGIOUS SOCIETY."

SEC. 1. *Be it enacted, by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Episcopal Society in Portland in the County of Cumberland be, and they hereby are authorized and empowered to raise by assessment on the pews and seats in the Church belonging to them, such sum or sums of money for the settlement and maintenance of a minister, repairing the Church, and defraying the other expences of public worship with incidental charges, as they shall agree on; and the same may assess or cause to be assessed, upon such Pews or Seats, in such manner as the Society shall determine; and the sums so assessed shall be paid by the proprietors of such seats & pews, or the occupants thereof. Society authorized to raise money.

SEC. 2. *Be it further enacted*, That if any proprietor of a pew or seat, or the occupant thereof, shall neglect to pay any assessment, which shall be legally made thereon, for one year after the same shall have been made, the Treasurer of said Society shall be authorised and empowered to sell all the estate and interest of any such delinquent proprietor in the said Corporation, at auction, first giving notice thereof, fourteen days previous to the sale, by posting up notifications at two of the doors of said Church; and upon such sale, to execute a good and sufficient deed or deeds thereof; and after deducting the amount of said delinquents' tax, together with the legal interest thereon, from the time the same was made, and all incidental charges, the said Treasurer shall pay the surplus if, any Pews of delinquents may be sold.

there be, to such delinquent proprietor or his legal representative.

Wardens and vestry invested with the powers of parish committees.

SEC. 3. *Be it further enacted*, That the Wardens and Vestry of said Church, legally chosen, shall be, and they are hereby vested with all the authority and power given by Law to the Committees of Parishes.

*Approved March 7, 1806.*

### 1805. — Chapter 62.

[January Session, ch. 36.]

AN ACT TO REPEAL AN ACT, FOR INCORPORATING THE FIRST CONGREGATIONAL SOCIETY IN WINTHROP.

*Whereas the first Congregational Society in Winthrop in the County of Kennebec, have petitioned this Court to repeal their act of incorporation.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that an Act passed on the thirty first day of January, in the year of Our Lord, one thousand eight hundred, entitled “An Act to incorporate a Number of the Inhabitants of the town of Winthrop, in the County of Kennebeck, into a Religious Society, by the name of the First Congregational Society in Winthrop,” be, and the same is hereby repealed. *Provided, however* that the said Society in their Corporate capacity, shall have power to recover & receive any dues, owing to said society, and shall also be held to pay any legal demands upon the said Corporation.

*Approved March 7, 1806.*

### 1805. — Chapter 63.

[January Session, ch. 37.]

AN ACT TO ENCREASE THE FEES OF GRAND AND PETIT JURORS AND WITNESSES, IN CRIMINAL CAUSES.

Pay of jurors; fees for civil actions.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing of this act the Grand Jurors attending at the Supreme Judicial Court, and the Court of Common Pleas, and Municipal Court for the town of Boston, and the Jurors for trials, attending either of the Courts aforesaid, shall each be allowed one dollar and twenty five cents a day for their attendance, and four cents a mile for their travel out and

home, to be paid out of the County Treasury; and there shall be paid to the Clerks of the said Courts respectively, by the plaintiff or appellant, the sum of Seven Dollars for the trial of each civil action, for the use of the County; and the said Clerks respectively, shall forthwith pay over the same to the County Treasurer.

SEC. 2. *Be it further enacted*, That witnesses in criminal causes, in the Supreme Judicial Court and Court of Common Pleas, shall be allowed and paid out of the Treasury of the respective Counties in this Commonwealth One dollar[s] for each days attendance, and four cents for each Mile's travel going out and returning home, *provided*, such witnesses do personally attend said Courts respectively, and certify in writing their time and travel.

Pay of witnesses in criminal causes.

SEC. 3. *Be it further enacted*, That so much of the first Section of an Act made and passed the thirteenth day of February, in the year of Our Lord, one thousand seven hundred and ninety six, for establishing and regulating the fees of the several Officers and other persons therein mentioned, as relates to witnesses in Criminal Causes, in the Supreme Judicial Court, and Court of Common Pleas; and also the second Section of the Act aforesaid, shall from and after passing this Act, be, and the same is hereby repealed. *Approved March 7, 1806.*

Part of former act repealed.

## 1805. — Chapter 64.

[January Session, ch. 38.]

AN ACT TO RENDER VALID THE DOINGS OF ISAAC MANSFIELD  
A CORONER WITHIN THE COUNTY OF ESSEX.

*Whereas Isaac Mansfield a Coroner within and for the County of Essex has taken divers inquisitions within said County, and has neglected to give bonds as the law requires.*

*Be it enacted, by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all inquests by him taken, shall be as good and valid as if said Coroner had given bonds to the acceptance of the Court of Common Pleas, as required by Law; any law to the contrary notwithstanding.*

*Approved March 7, 1806.*

## 1805. — Chapter 65.

[January Session, ch. 39.]

AN ACT FOR INCORPORATING CHARLES CUSHING, JOHN AVERY, ESQUIRES AND OTHERS, INTO A RELIGIOUS SOCIETY BY THE NAME OF THE WEST BOSTON SOCIETY IN THE TOWN OF BOSTON.

Persons  
incorporated.

Corporate  
name.

Annual meet-  
ings; officers.

Clerk to be  
sworn, &c.;  
powers of  
committee.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that Charles Cushing and John Avery Esquires, together with such others as now are proprietors of pews in the present Meeting-House at the Westerly part of Boston, under the pastoral charge of the Reverend Charles Lowell, or who may become proprietors in the New Meeting-House now about to be erected by the said Charles Cushing, John Avery and others, the proprietors of the present House, on the plat of ground whereon the present building now stands, be, and they hereby are declared to be a body Corporate and Politic, by the name of the West Boston Society; and the said Corporation shall be, and hereby are invested with all the powers, privileges and rights of Corporate Bodies, and are declared to be, and hereby are deemed in Law and Equity to be seized of the present Meeting-House, together with all the land under, adjoining and belonging to the same, and with the privileges and appurtenances thereto belonging.

SECTION 2. *Be it further enacted,* that the said Corporation shall meet annually on the first Monday in April, at their Meeting House, or at such other place, and at such other times, as they may be duly notified in manner hereafter mentioned; and at said annual meeting, after having chosen a moderator, shall choose, by ballot, a Clerk, Treasurer, and ten other persons, who, together, shall be a Committee for managing the affairs of the Corporation, and who shall all continue in Office during the year, and until others are chosen in their room; *provided however,* if for any cause the said annual meeting should not be holden, then the said officers may be chosen at any other meeting duly notified for that purpose.

SECTION 3. *Be it further enacted,* that the said Clerk shall be sworn to the faithful discharge of the duties of his office, and it shall be his duty to record all the votes, and all the proceedings of the said Corporation, and of

the said Committee, in separate Books, to be kept by him for that purpose; and the said Committee, or a major part of them, shall have full power to manage all the prudential affairs of the said Corporation, in the same, and in as ample a manner, as Parish Committees' are authorized by law to manage the prudential affairs of parishes, and to notify any proprietors' meeting by a notification from the Desk on the Sunday preceeding said meeting, or by posting up a Notification (signed by the Clerk) at the door of said Meeting-House, seven days, at least, before the holding of the same.

SECTION 4. *Be it further enacted* that the said Corporation shall be entitled to all the privileges heretofore enjoyed by the said proprietors, and shall be bound by all the contracts heretofore made by said proprietors with their present Minister, or with any other persons whomsoever and be subject to all the duties they have heretofore been subject to; and the said Corporation are also empowered, from time to time, to make such contracts, and raise such sums of money, as they shall judge necessary for the maintenance and support of the public worship of God, for the repairs or alteration of their House, and making any reasonable addition to the salary of their present or any future Minister and for other parochial and incidental charges; and all monies, so raised, shall be paid annually, or by instalments, at such times and in such proportions as said Corporation shall direct.

Corporation to fulfil existing contracts and empowered to raise monies.

SECTION 5. *Be it further enacted*, that the building or House of Public Worship, which said Society are now preparing to erect, and the land under, adjoining and belonging to the same, shall be, and hereby are declared to be vested in fee in the said Corporation; and all monies raised by the proprietors of the present Meeting-House for the support of their Minister, during the erection of the New Meeting-House, or for other purposes, shall also be further binding on the proprietors and on their pews and Interests in the New House when erected, and shall be assessed by the said Committee, or by the Major part of them, upon the several proprietors of the pews in the present or the New House when erected, according to the relative value of said pews; regard being had to their situation and convenience; and the pews in the present and in the New House, when erected, shall be held and taken as personal estate, and be held liable to be taken

New meeting-house to be vested in the corporation, &c

and sold for the payment of all assessments duly made as aforesaid, and for the discharge of all expences incurred by such sale, in such manner, and on such contingencies and conditions, as have been, or may be agreed on by the said proprietors, and which are, or shall be summarily expressed and contained in the deed or conveyance of the pews of the present or the New House when erected. — And the assessments which have been, or shall be made as aforesaid, shall be considered as a lien upon the pews in the present and in the New House when erected, and a bill of each proprietors assessment and of the time or times of payment, shall be left in his pew, of which fact the oath of the Treasurer or the oath of the person by him employed for that purpose, shall be sufficient evidence.

Corporation  
may purchase  
and hold prop-  
erty.

SECTION 6. *Be it further enacted*, that the said Corporation shall be capable and liable to purchase, take and to hold any estate, real, personal and mixed, for the purpose of supporting Public Worship, and a Teacher or Teachers of piety, religion and morality, and to sue and be sued in any action, real, mixed or personal: *Provided*, that the whole estate, real, mixed and personal of the said Corporation, shall not exceed, in it's annual income, Five thousand Dollars, exclusive of their House of Public Worship.

Corporation  
may sell or ex-  
change real  
estate, &c.

SECTION 7. *Be it further enacted*, that the said Corporation shall have power, at any time, to sell or exchange any real estate, when they shall, at any meeting duly called for the purpose, agree thereto; or may invest any personal gift or bequest in real estate, provided the income of the same be appropriated according to the Will of the donor.

Vacancies.

SECTION 8. *Be it further enacted*, that if any of the officers chosen by said proprietors shall die or resign, during the year for which they may be chosen, other persons may be elected in their room, for the remainder of the year, at any meeting of the proprietors, to be notified by a major part of the Committee, but in all cases where there may be but one of the Committee in office, he shall have sufficient authority to call any meeting of the proprietors.

First meeting.

SECTION 9. *Be it further enacted*, that Mungo Mackay, Thomas Dennie and James Prince, or either of them, may cause the first meeting of said Corporation to be called, for the purpose of choosing their officers for the year ensuing, by giving notice thereof to the several proprietors



in writing, seven days previous to the time and place of said meeting, at which meeting they may agree on the mode of notifying future meetings.

*Approved March 7, 1806.*

## 1805. — Chapter 66.

[January Session, ch. 40.]

AN ACT IN ADDITION TO AN ACT, ENTITLED “AN ACT DESCRIBING THE DUTY AND POWER OF CORONERS.”

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that every Coroner within the County for which he is appointed, shall after the return of an inquisition of the Jury, upon the view of a dead body of any stranger, not belonging to this Commonwealth, bury said body in a decent manner; and the expences thereof, together with all the expences of said inquisition & Coroners fees, shall be paid to such Coroners, out of the Treasury of this Commonwealth, an account of such expences, being first examined and allowed by the General Court, in the same manner that accounts for state paupers are allowed: and the same certificate shall be required from the Selectmen, or overseers of the poor of the town where such stranger was found dead, as if the said Stranger were taken sick in such town, or become unable to support himself.

*Approved March 7, 1806.*

## 1805. — Chapter 67.

[January Session, ch. 41.]

AN ACT TO INCORPORATE AARON DAVIS AND OTHERS, BY THE NAME OF THE WORCESTER TURNPIKE CORPORATION.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Aaron Davis, Luther Richardson, Samuel Welles, Charles Davis and William H. Sumner, Esquires, together with their associates, their successors and assigns, be, and they are hereby made a Corporation, by the name of the Worcester Turnpike Corporation, and by that name may sue and be sued, plead & be impleaded, and shall and may do and suffer all things which Bodies politic ought to do and suffer; and said Corporation shall have full power and authority to make and

Persons incorporated.

Corporate name

Course of the  
road.

use a Common Seal, and the same to alter and renew at pleasure; to make lay out and keep in repair a Turnpike road from Roxbury to Worcester, commencing at or near Roxbury-street and running near the House of Stephen Higginson, Junior, in Brookline; thence running near Mitchell's Tavern, in Newton; thence crossing Charles River near General Elliot's Mills in said Newton, and running near the House of Enoch Fisk, in Needham; thence to the Neck of the Ponds, so called, in Natick; thence near the House of Jonathan Ruggs, in Framingham; thence near the House of Deacon Chamberlain, in Southborough; thence near Furbushe's Tavern, in Westborough; thence near the House of Jonathan Harrington, in Shrewsbury; thence crossing Shrewsbury Pond, and running North of Bladder Pond, to the Street in Worcester, near the Court House; and shall have the power of erecting four toll gates thereon, which shall be erected in such places, not being on any Old road, as the Committee hereinafter appointed shall determine; & when and so Often as each quarter part of said road shall be completed and accepted by the committee hereinafter appointed for this and other purposes, the said Committee may authorise the erection of one toll gate on such part.

Committee to  
view the road,  
approve same,  
assess damages,  
&c.

SECT. 2D. *Be it further enacted*, that the Hon. Bezael Taft & Nicholas Tillinghast & Silas Holman, Esquires, be a Committee for the purpose of making such alterations & variations from the general course of said road upon the application of said Corporation, as the Nature of the Ground & the public good may seem to them to require, & of viewing said road and accepting the same, when completed to their satisfaction, & shall authorise the erection of toll gates thereon, according to the provisions of this Act; & the said Committee are hereby empower'd to assess such damages as any individual may sustain by reason of the laying out said road and making the same, when the said Corporation and such individual have not nor cannot agree upon the same, reserving to each party the right of trial by Jury, according to the laws which provide for the recovery of damages arising from the laying out of highways; & when the said Committee shall have completed their business in each County through which said road may be located, they shall make a return of their doings in such County to the next Court of Common Pleas to be holden therein, & their report shall have the same effect as if the Committee

had been appointed by the several Courts of Common Pleas in the Counties thro' which the Road passes; and the expence thereof shall be paid by the said Corporation.

SECT. 3D. *Be it further enacted*, that Aaron Davis, <sup>First meeting.</sup> and William H. Summer aforesaid, be, authorised to call the first meeting of the Proprietors at such time and place as they may think expedient. *Approved March 7, 1806.*

## 1805. — Chapter 68.

[January Session, ch. 42.]

AN ACT DETERMINING AT WHAT TIMES AND PLACE THE COURT OF GENERAL SESSIONS OF THE PEACE AND COURT OF COMMON PLEAS SHALL BE HOLDEN WITHIN THE COUNTY OF NORFOLK, AND REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE.

SECT. 1. *Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the Same*, That from and after the first day <sup>New terms.</sup> of September next, the times and place for holding the Court of Common Pleas, within and for the County of Norfolk, shall be at Dedham, on the third Monday of September, the third Monday of December, and the last Monday of April, annually: — And the Court of General Sessions of the Peace, shall be holden at Dedham, within and for the County of Norfolk, on the third Monday of September, and on the last Monday of April, annually.

SECT. 2. *Be it further enacted*, That from and after the first day of May next, all laws heretofore, made determining at what times the Courts of Common pleas, and General Sessions of the Peace, shall be holden within and for the County aforesaid, be, and the same are hereby repealed. *Approved March 7, 1806.*

## 1805. — Chapter 69.

[January Session, ch. 43.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT AUTHORIZING THE COURTS OF GENERAL SESSIONS OF THE PEACE, TO LIBERATE POOR CONVICTS FROM PRISON, AND TO DISPOSE OF THEM IN SERVICE FOR PAYMENT OF COSTS OF PROSECUTION."

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing of this Act the Justices of the Supreme Judicial Court, be, <sup>Convicts may be discharged when they have</sup>

been detained  
three months  
for fines and  
costs.

and hereby are authorised, at any term thereof, on motion made for that purpose, to order the Sheriff of any County, in which said Court may then be holden, to liberate from prison any poor convict who may have been committed to prison by order of said Court, when it shall be made to appear to said Court, that said Convict has lain in prison for the term of three Months, for fine and Costs only, and that he stands committed for no other Cause, and that he has not estate, sufficient to pay said fine and Costs, upon condition however, that said Supreme Judicial Court shall order such convict to give his own Note for the amount of said fine, and Costs, payable to the Treasurer of said County, to the use of said County.

Justices of the  
Courts of Com-  
mon Pleas  
authorized to  
order release  
of convicts com-  
mitted for fines  
and costs.

SEC. 2. *Be it further enacted*, That from and after the passing this Act, the Justices of the several Courts of Common pleas, within this Commonwealth, be, and they hereby are authorised, at any term of their respective Courts, on motion made for that purpose, to order the sheriff of said County, to liberate from prison any poor convict, who has been committed to prison, by the order of any Justice of the Peace, or of the Court of General Sessions of the Peace, or of the said Court of Common Pleas, within said County, when it shall be made to appear to said Court of Common pleas, that said Convict has lain in prison for the term of three months, for fine and costs only, and that he stands committed for no other cause, and that he has not estate sufficient to pay said fine & cost. upon condition however, that said Court of Common Pleas, shall order said convict, to give his own Note, for the amount of said fine and Cost, payable to the Treasurer of said County, to the use of said County, any thing in the Act, to which this is in addition to the Contrary notwithstanding.

Judge of the  
Municipal Court  
of Boston  
similarly  
authorized.

SEC. 3. *And be it further enacted*, That the Judge of the Municipal Court, in the town of Boston, shall have the same power and authority in the County of Suffolk, which is by this Act given to the Justices of the Courts of Common Pleas.

*Approved March 7, 1806.*

1805. — Chapter 70.

[January Session, ch. 44.]

AN ACT TO INCORPORATE THE TRUSTEES OF THE CHARLESTOWN CHARITY FUND.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* that David Goodwin, William Collier, Silas Niles, John Carter, James Harrison, Jacob Forster and Oliver Holden, and their successors, be, and they hereby are incorporated, by the name and title of the Trustees of the Charlestown Charity Fund, and shall so be and remain forever, and by the said name and title may sue and prosecute and be Sued and prosecuted to final judgment and execution.

Persons incorporated.

Corporate name.

SECT. 2D. *Be it further enacted* that the said corporation shall have a Common Seal, and may alter the same at pleasure, and shall have power to make bye-laws for the Government of its members and the preservation and advancement of its property, not repugnant to the laws of this Commonwealth.

General powers.

SECT. 3D. *Be it further enacted* that the said Trustees shall be, and they hereby are made capable in law of receiving grants or devises of lands or tenements in fee simple or for a less estate, and donations and bequests of Money or other personal estate from any person or persons whatsoever, and to improve the same for the purposes and according to the directions herein after mentioned.

Trustees may receive and hold grants, bequests, &c.

SECT. 4. *Be it further enacted* that all grants, donations, devises, and bequests of real or personal estate, made to the said corporation, shall constitute a Fund, the interest and income of which shall be appropriated and faithfully applied to the relief of the poor of the Church and Society now under the pastoral care of the Revd. William Collier, at such times and in such manner, as, in the opinion of the said Trustees, will best comport with the original design of the institution; and in the event of an excess of interest and income for the purpose above mentioned, the said Trustees, may apply the surplus to such other objects as they shall think will best promote the interest of said church and society.

Fund for relief of poor.

SECT. 5. *Be it further enacted* that all vacancies which may happen in said board of Trustees, shall be filled by said Church at any regular meeting thereof, public notice

Vacancies.

being given of the said meeting on the Lords day next preceeding the same.

Church mem-  
bers only  
eligible as  
trustees.

SECT. 6. *Be it further enacted* that no person shall be eligible to a seat at said board who is not a member of said Church; and that every member who is duly elected may retain his office so long and no longer than he is a member of said church and in regular standing.

First meeting.

SECT. 7. *Be it further enacted* that Oliver Holden be, and he is hereby authorised to call the first meeting of said Trustees to be holden at such time and place as he shall think proper.

*Approved March 7, 1806.*

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### 1805. — Chapter 71.

[January Session, ch. 45.]

AN ACT TO INCORPORATE JOHN A. PARKER AND OTHER PROPRIETORS TO BUILD A TOLL BRIDGE OVER ACOAXET RIVER IN THE TOWN OF WESTPORT.

Persons incor-  
porated.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that John A. Parker, & Levi Standish, together with their associates, successors, and assigns, be, and they are hereby made a corporation, by the name of the Acoaxet Bridge Company, for the purpose of building a toll bridge over Acoaxet River, in the town of Westport, in the County of Bristol, at a place where there is now a Bridge called Hix's bridge; and for this purpose, shall have all the powers and privliges incident to, and usually given to similar corporations, for building toll bridges, and shall do and suffer all such acts and things, as bodies politic may and ought to do and suffer.

Corporate  
name.

Description of  
bridge, &c.

SECT. 2. *Be it further enacted,* that the said bridge shall be well built, with sound and durable materials, at least twenty four feet wide, with a sufficient railing on each side for the security of passengers, and a sufficient draw for the passing of Vessels, which draw shall be twenty six feet wide, and shall be constantly attended, and at all times be raised, when required, for the passage of Vessels, both by day & by night, free from toll. And the said proprietors shall provide in said bridge, one arch at least, of sufficient height & width, for scows and gondalo's, and other craft, with their ladings, to pass under said bridge, at high Water in common tides. And the said Corporation shall be liable to pay all costs & dam-

ages, which may happen to any person, from whom toll is demandable, for any damage which shall arise from any defect or want of repair in the said bridge, upon a presentment of the grand Jury, for the County of Bristol.

SECT. 3. *Be it further enacted*, that for reimbursing Toll established. to the said proprietors, their expences in building the said bridge & keeping the same in good repair, a toll is hereby granted to the Proprietors, according to the rates following, vizt. For each foot passenger two cents; for one person and horse four cents; for each horse and Chaise, Chair, gig, or Sulkey, twelve & a half cents; for each Cart, Waggon, sled, or sleigh, drawn by one beast, eight cents; and if drawn by more than one beast, two cents, for every additional beast; for each Coach, Chariot, Curricie, Phaeton, or other four wheel Carriage for pleasure drawn by two horses, twenty cents; and if drawn by more than two horses, twenty five cents; for all horses & neat cattle, singly, or in droves, two cents each; and for Sheep & Swine, four cents by the dozen, and at the same rate for a greater or less Number. And in all cases, the same toll shall be paid, for all carriages, passing on said Bridge, whether the same have a load, or passengers or not. And at the expiration of twenty Years, the Legislature shall if they see cause, regulate the toll anew.

SECT. 4. *Be it further enacted*, that if the said bridge shall not be completed within four Years from the passing of this act, then this act shall be void & of none effect: *Provided however* that the said proprietors shall be authorised to demand & receive toll, according to the rates fixed in the foregoing Section, during the said four Years, or until a new bridge shall be built and finished: *Provided also*, that the said Corporation, shall be holden and required to keep the present bridge constantly in safe and passable repair, and in default thereof, shall be liable to presentment of the Grand Jury of the County, as is provided in the second section of this Act. Time of building bridge limited.

SECT. 5. *Be it further enacted*, that when the said new bridge shall be completed, the proprietors, their successors, or assigns, shall cause a true account of the expences thereof, and also at the end of every three Years afterwards, a true account of their receipts & disbursements, to be deposited in the office of the Secretary of this Commonwealth; and the said Proprietors shall constantly keep in a conspicuous place, fairly exposed to Account of cost of bridge and triennial statements to be exhibited.

view, a sign or board, with the rates of toll, of all the tollable articles, legibly written or printed thereon, in large or Capital letters: *Provided however*, that the said toll may be commuted, with any person or persons, or with any Corporation by taking a certain sum annually as may be mutually agreed on, in lieu of the toll aforesaid.

*Approved March 7, 180[5]6.*

### 1805. — Chapter 72.

[January Session, ch. 46.]

#### AN ACT TO ENABLE THE PROPRIETORS OF SOCIAL LIBRARIES TO MANAGE THE SAME.

SECT. 1ST. *Be it enacted by the Senate and house of Representatives, in General Court assembled, and by the authority of the same*, that any seven or more persons, capable of contracting, in any town or district in this Commonwealth, who shall become Proprietors in common, of any Library, may form themselves into a Society or body politic, for the express purposes of holding, increasing, preserving, & using such Library; and to that end any five or more of them, may, by an application in writing, by them signed, to any Justice of the Peace, within the same County, wherein the said town or district may be, stating the purposes of their meeting, and requesting him to issue his warrant for calling a meeting of the said Proprietors; and the said Justice may grant his warrant, to one of them, directing him to call a meeting of the said Proprietors, at the time and place, and for the purposes expressed in such warrant; and said meeting shall be called, by posting up the purport of said warrant, in some public place, in the said town or district, where the said Library shall be kept, seven days, at least, before the time of said meeting. And the Proprietors, being thus met and organized, they may then agree & determine upon a method of calling future meetings. And in all cases, votes shall be determined, by counting & allowing one vote to each share. And the Proprietors of any such Library, shall have power to possess & hold, to them, their successors & assigns, real or personal estate, to any amount not exceeding five thousand Dollars, over & above the value of their books.

SECT. 2D. *Be it further enacted*, that any seven or more, of the Proprietors of such Library, met in pursu-

Method of  
forming library  
societies.

Choice of  
officers, &c.



ance of such notice, shall have power to choose a moderator, clerk, librarian, collector, treasurer, & such other officers, as they may find necessary; and the clerk shall be sworn to the faithful performance of his duties; and the Treasurer shall give bond with sufficient surety or sureties, faithfully to account for all monies he may receive by virtue of this Act. And the said Proprietors when so incorporated and organised, shall have power, to raise monies by assessments on the several shares in such Library, as they may judge necessary for preserving and increasing the same; to make by-laws for the due regulation of the concerns of the said corporation not repugnant to the Constitution & Laws of this Commonwealth, and to annex and recover penalties for any breach of such bye-laws, not exceeding three dollars for any one breach thereof.

SECT. 3D. *Be it further enacted*, that the Proprietors of any such Library so incorporated, shall be called & known, by the name of The Proprietors of the Social Library in the town of ——— and by that name shall sue and be sued, prosecute & defend, plead and be impleaded, in all actions and processes in law; and when there shall be more than one such Library, in any town or district, the Proprietors thereof, shall be known & called by the name of The Proprietors of the second, (third, fourth, &c. as the case may be,) Social Library, in the town of ———.

SECT. 4TH. *Be it further enacted*, that an Act passed the third day of March in the Year of our Lord One thousand, seven hundred, & ninety eight, entitled, “An Act to enable the Proprietors of Social Libraries, to manage the same,” be, and hereby is repealed; *Provided nevertheless* that with regard to all suits and causes of suits, & all rights existing, under, and by force, of said act, it shall be considered as in full force.

*Approved March 8, 1806.*

## 1805. — Chapter 73.

[January Session, ch. 47.]

AN ACT TO INCORPORATE RUFUS DAVENPORT AND OTHERS BY THE NAME OF THE CAMBRIDGEPORT AQUEDUCT CORPORATION.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the*

Persons  
incorporated.

Corporate name.

First meeting;  
choice of  
officers; bye-  
laws, &c.

*authority of the same*, that Rufus Davenport, Royal Makepeace, Jonathan C. Hastings, Daniel Mason, John Coates and Josiah Mason Junior, their associates successors and assigns be, and they are hereby incorporated by the name of the Cambridgeport Aqueduct Corporation, and by that name may sue and be sued, and do and suffer all matters and things which Bodies Politic may or ought to do or suffer, and may purchase and hold one or more pieces of land on the Hills between Cambridge and Medford, in which certain Springs are, and thence bring water in subterraneous pipes to any and all places in Cambridgeport, (so called) and may purchase and hold in said Cambridgeport, one or more pieces of land and may construct and erect on said land, Reservoirs and Buildings, *provided* that said pieces of land shall not, in all, be more in extent than one piece of three hundred feet square & *provided also*, that the whole funds of the corporation shall never exceed Fifty thousand dollars, and *provided* that nothing in this act shall authorize said corporation to enter upon or use the land of any person without license therefor first had of the proprietors of such land, and the shares shall be considered as personal property.

SECTION 2. *Be it further enacted*, That any three of the persons above named may by advertisement in one or more of the Boston Newspapers call a meeting of said proprietors to be holden at any suitable time and place within said Cambridgeport, seven days at least after such advertisement; and the proprietors by a major vote of those present, accounting one vote to each share, shall choose a Clerk, agree upon a mode of calling future meetings of said proprietors, and may also elect any other officers which to them shall appear necessary for carrying into effect the object of their incorporation, may enjoin and order fines and penalties for the breach of any of their Rules and Bye Laws, not exceeding ten dollars for any one breach thereof: And all persons appearing at any of said meetings to represent any of said proprietors, shall have an appointment in writing, signed by the person so to be represented, which shall be filed with, or recorded by the Clerk of the Corporation, whose duty it shall be fairly and truly to enter and record in a book to be kept for that purpose, this Act and all rules and bye laws, votes and proceedings of said Corporation, and the clerk chosen

as aforesaid shall be sworn to the faithfull discharge of the duties of his office.

SECTION 3. *Be it further enacted*, that the said proprietors be, and they are hereby authorized to enter upon and dig up any high way for the purpose of placing such pipes as may be necessary to complete said Aqueduct, or for repairing the same: *provided* they do not thereby in the least impede the passing of travellers.

Highways may be dug up.

SECTION 4. *Be it further enacted*, that any person who shall willfully injure said Aqueduct, shall be subject to the same penalties as are provided in the second section of an act entitled, “an act for the more effectually preventing trespassers in divers cases” passed in the year of our Lord one thousand seven hundred and eighty five, and shall be liable to make good all damages done to said proprietors.

Persons injuring aqueduct subject to penalties.

SECTION 5. *Be it further enacted*, that the mode of selling or transferring the shares of said Corporation shall be by deed acknowledged before a Justice of the Peace, and recorded by the Clerk of said Corporation in a book kept for that purpose.

Mode of transferring shares.

SECTION 6. *Be it further enacted*, that whenever any proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation, to their Treasurer within thirty days after the set time for the payment thereof, the Treasurer is hereby authorized to sell at public vendue the share or shares of such delinquent proprietor one or more as shall be sufficient to defray said taxes and necessary and incidental charges after duly notifying in one or more newspapers printed in Boston or Cambridgeport, the sum due on any such shares and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a transfer of the share or shares sold to the person purchasing, and on producing a Certificate of such sale from the Treasurer to the Clerk of such Corporation, the name of such purchaser with the number of shares so sold, shall be by the Clerk entered on the Books of the said Corporation, and such person shall be considered, to all intents and purposes, the proprietor thereof, and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose shares were thus sold. *Approved March 8, 1806.*

Shares of delinquents may be sold.

## 1805. — Chapter 74.

[January Session, ch. 48.]

AN ACT TO ESTABLISH A FUND FOR THE SUPPORT OF THE GOSPEL MINISTRY, IN THE FIRST PARISH OF THE TOWN OF SPRINGFIELD, IN THE COUNTY OF HAMPSHIRE, AND TO APPOINT TRUSTEES FOR THE MANAGEMENT THEREOF.

*Whereas the inhabitants of the first Parish, in the town of Springfield have petitioned that certain real and personal estate, appropriated for the support of the ministry, may be vested in Trustees, and applied to that purpose:*

Persons incor-  
porated.

Corporate name.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* that Thomas Dwight, John Hooker, Jacob Bliss, George Blake, Judah Chapin, George Bliss, and Jonathan Dwight junr. so long as they shall remain inhabitants of said Parish, be, and they hereby are constituted a body politic and corporate, by the name of The Trustees of the Ministerial Fund in the first Parish in Springfield, and they and their successors, shall be and continue a body politic and corporate by that name forever, and shall have a common seal, and may alter the same at their pleasure, and by that name may sue and be sued, in all actions, real, personal, and mixed, and prosecute and defend the same to final judgement & execution. And the said Trustees and their successors may and shall annually elect a President, and a Clerk, who shall be sworn to the faithful performance of the duties of his office, and a Treasurer who shall give bond with sufficient surety or sureties, faithfully to account for the monies he may receive by virtue of this act.

Property vested  
in the trustees.

SEC. 2. *Be it further enacted,* That the real estate, belonging to the said Parish, appropriated for the support of the Ministry thereof, and the proceeds of the sale of any land, so appropriated and already sold, be, and hereby are vested in said Trustees, and their successors; and the said Trustees, be, and hereby are authorized to sell and convey the whole or any part of said real estate, and to make, execute and acknowl[e]dge, a good and sufficient deed or deeds thereof, which deed or deeds, subscribed by their President, by direction of said Trustees, with their seal thereto affixed, and by them duly acknowledged, shall be good and effectual in law, to pass & convey, all the right of said parish in and to said real

estate, to the purchaser thereof, to all intents & purposes whatsoever. *Provided however*, that nothing herein contained, shall extend to the Northerly half of the home lot and meadow opposite the same, until the said first Parish shall authorise the said Trustees to sell and convey the same.

SEC. 3. *Be it further enacted*, That the number of Trustees, shall not, at any time, be more than seven, nor less than five, a major part of whom, shall constitute a quorum for transacting business; and they shall and may, from time to time, fill up vacancies in their number, which may happen by death, resignation, removal or otherwise, from the inhabitants of said Parish; and shall have power to remove any of their number, who may, from age, infirmity, or misconduct, become unfit to discharge his duty. And the said Trustees shall annually hold a meeting in March or April, and as much oftener as necessary, to transact their business. And Thomas Dwight, Esqr. is hereby authorised to appoint the time and place of the first meeting of said Trustees, and to notify them accordingly. And said meetings after the first, shall be called, in such a way and manner, as the said Trustees shall direct.

Number of trustees limited, &c.

SEC. 4. *Be it further enacted*, That any gift, grant, bequest, or devise, hereafter made to the said Trustees, shall be valid and effectual to all intents and purposes whatsoever; and they and their successors, as aforesaid, are hereby impowered to take, have, hold, use, and improve, any estate, real or personal, the annual income whereof, shall not exceed the sum of Two thousand Dollars, in trust for the support and maintenance of the Gospel Ministry in said Parish. And the nett annual income, or interest of said fund and estate, shall, by said Trustees, be annually paid to the regular settled and ordained Minister of said Parish; unless the said Parish, at a legal meeting, for that purpose duly assembled, shall direct the said income to be put at interest, as an accumulating fund. And during any vacancy in the said Parish, of a regularly ordained and settled minister, such income shall also be appropriated to the increase of the principal fund.

Trustees empowered to receive bequests and to hold property.

SEC. 5. *Be it further enacted*, That the said fund shall always be holden and claimed to be unalienable, and shall never be used or applied to any other purpose than the support of a settled minister in the said Parish. And the

Fund to remain unalienable.

said Trustees, their officers, agents, or attornies, shall never receive any compensation, for any services performed, by virtue of this Act, from any part of said fund.

Trustees to be personally responsible.

SEC. 6. *Be it further enacted*, That it shall be the duty of the said Trustees, to use and improve, such fund or estate, as shall be vested in them, by virtue of this Act, so as best to promote the design thereof: And each of the said Trustees shall be personally amenable, to the Inhabitants of the said Parish, for his neglect or misconduct, in the management and disposition of said fund or estate; and said Inhabitants may have and maintain a special action of the case, against the proper persons of such Trustees, and his goods and estate, for such negligence or misconduct, and recover adequate damages therefor, and such sum so recovered, shall be for the benefit of said fund and shall be paid accordingly.

Annual statement to be made.

SEC. 7. *Be it further enacted*, That the said Trustees shall keep a fair record of their proceedings, and a Statement of their funds and estate, and shall annually exhibit a fair copy of such Statement, to the inhabitants of the said Parish, at their annual meeting, in the month of March or April.

Removal of trustees.

SEC. 8. *Be it further enacted*, That when final judgment shall be rendered, against any of said Trust[r]ees for neglect or misconduct in the management or disposition of said fund, he shall be thereby disqualified from continuing a Trustee, and in case said Trustees shall not, within three months, after such judgment, remove such delinquent Trustee, and elect another in his stead, or shall permit any vacancy by which their number shall be reduced to less than five, to remain unfilled, for more than three months, it shall be lawful for the said Parish, to fill such vacancy.

Monies to be kept at interest.

SEC. 9. *Be it further enacted*, That the monies arising from the sale of said lands, or otherwise, in the hands of the Said Trustees, shall be by them, put and kept at interest, as much as may be, and secured by mortgage of real estate to the full value of the estate sold or let, or by two or more sufficient sureties with the principal.

*Approved March 8, 1806.*

1805. — Chapter 75.

[January Session, ch. 49.]

AN ACT TO INCORPORATE JONATHAN HUNEWELL AND OTHERS INTO A SOCIETY, BY THE NAME OF THE MASSACHUSETTS CHARITABLE MECHANIC ASSOCIATION.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Hunewell, and all those who have, or may hereafter associate with him, be, and they are hereby incorporated and made a body politic by the name of The Massachusetts Charitable Mechanic Association, and by that name shall be known in law; and shall be capable of suing and being sued; and shall have power to have and keep a Common Seal; to make bye-laws for the election of their members and Officers; the collection of assessments; the regulation of their meetings, and the appropriation of their funds for charitable uses; but shall not have power to make bye-laws or regulations for any other purposes whatsoever.

Persons incor-  
porated.

Corporate name.

SEC. 2. *Be it further enacted,* That the said Corporation shall have power, and shall be capable in law, to purchase, have, hold, use, take, possess, retain, and enjoy, in fee simple, or otherwise, any personal or real estate, within this Commonwealth, not exceeding the value of Forty thousand Dollars, in real estate, and Ten thousand Dollars in personal estate; and the same to sell, alien and dispose of at their pleasure.

Real and per-  
sonal estate  
limited.

SEC. 3. *Be it further enacted,* That the annual income of said Corporation shall only be employed for the purpose of relieving the distresses of unfortunate Mechanics, and their families, to promote inventions and improvements in the Mechanic Arts, by granting premiums for said inventions and improvements, and to assist young Mechanics, with loans of money.

Use of income.

SEC. 4. *Be it further enacted,* That the said Corporation shall be and continue for and during the term of ten years, unless the legislature, shall, within that time, see fit to dissolve the same.

Corporate  
existence  
limited.

SEC. 5. *Be it further enacted,* That Jonathan Hunewell, Benjamin Russell, and Francis Wright be, and they hereby are, authorised and empowered to call the first Meeting of the said Corporation, by giving notice of the

First meeting.

time and place thereof, in two of the Newspapers printed in Boston, thirty days, at least, before the time of such meeting.

*Approved March 8, 1806.*

## 1805. — Chapter 76.

[January Session, ch. 50.]

AN ACT TO REMOVE AND PREVENT OBSTRUCTIONS TO THE PASSAGE OF SHAD, ALEWIVES, AND OTHER FISH, IN PARKER RIVER AND THE FALLS RIVER SO CALLED, IN THE COUNTY OF ESSEX, AND THE STREAMS AND BROOKS RUNNING INTO THE SAID FALLS RIVER.

SECTION 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the owners or Occupants of any mill-dam or other Dam, heretofore erected and made, or that shall be hereafter made, across the Rivers, streams or Brooks aforesaid, shall, at their own expence; within six months after the passing of this act, make a sufficient way round or through their respective Dams, for the passage of Shad, Alewives and other Fish up into the Ponds connected with said Rivers; and shall, at their own expence, keep open such passageways from the fifteenth day of April to the first day of June in every succeeding year; and no owner or occupant of any such mill-dam shall, at any time between the said fifteenth day of April and first day of June in every year, draw off the water at his mill in such a manner as not to leave the Sluice ways which shall be made as aforesaid, full of water; and if any such Sluiceway be closed or shut, within the times aforesaid, the owner or occupant of the Dam where such Sluiceway is made, and also every such owner or occupant who shall draw off the water at his mill, contrary to the provisions of this Act, shall forfeit and pay a sum not exceeding Five hundred nor less than one hundred dollars for each offence, to be recovered by Indictment before the Court of Common Pleas in & for said County of Essex, one half thereof to the use of the Commonwealth, and the other half to the use of the poor of the Town where the offence shall be committed.

Owners of dams to make and keep open passage-ways for fish.

Aaron Hobart Esq. to determine location and dimensions of passage-ways.

SECTION 2ND. *And whereas* the Petitioners for the removal of said obstructions, and the parties interested in the several Dams aforesaid, have mutually agreed that Aaron Hobart, Esquire, of Abington, be appointed to re-



pair to said Dams at the expence of the said Petitioners, and to determine the dimentions and the most proper place in each Dam for the passageways aforesaid ;

*Be it further enacted*, That the said Aaron Hobart, Esquire, be, and he is hereby appointed to repair to and examine said Dams, at the expence of the said Petitioners, and there to order and determine the most proper place at each Dam for making such passageways, the breadth and depth thereof, and the manner in which they shall be made ; and to make a return, in writing, on or before the first day of July next, of his doings herein, into the Office of the Secretary of this Commonwealth, to be there filed and kept with the Records of the Commonwealth. And every such passage-way, made and kept conformably to the order and determination of the said Aaron Hobart, to be made as aforesaid, shall be taken and considered as a good and sufficient way for the passage of said Fish according to the provisions of this Act.

SECTION 3RD. *Provided nevertheless, and be it further enacted*, That if the said Aaron Hobart shall not, on or before the said first day of July next, make his order, and determination in the premises, and return the same as aforesaid, the Court of Sessions for the County of Essex, shall and may, at any term thereof, on the application of any party interested, cause the place, and the dimensions of such passageways round or through the several Dams aforesaid, to be fixed and determined in the manner heretofore provided by law. And in case any new Dams shall be hereafter erected and made across any of the Rivers, Streams, or Brooks aforesaid, the said Court of Sessions shall, and may, in like manner, cause the place and dimensions of the passageways round or through said new Dams, to be fixed and determined according to law. And *provided also*, that this act shall be in force untill the first day of May, which will be in the year of our Lord one thousand Eight hundred and sixteen, and untill the end of the then next Session of the General Court and no longer.

Court of Sessions to determine location and dimensions of passageways, if not determined as authorized.

*Approved March 8, 1806.*

## 1805. — Chapter 77.

[January Session, ch. 51.]

AN ACT IN ADDITION TO AN ACT ENTITLED “AN ACT REGULATING IN CERTAIN PARTICULARS THE IMPROVEMENTS OF PLUMB ISLAND, IN THE COUNTY OF ESSEX, AND REPEALING AN ACT FOR THE EFFECTUAL PREVENTING OF HORSES, NEAT CATTLE, SHEEP AND SWINE FROM RUNNING AT LARGE OR FEEDING UPON A CERTAIN ISLAND CALLED PLUMB ISLAND, LYING IN IPSWICH BAY, IN THE COUNTY OF ESSEX, PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND THIRTY NINE.”

SECT. 1. *Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the third Section of the Act to which this is an addition, entitled “An Act regulating in certain particulars the improvements of Plumb Island, in the County of Essex, and repealing an Act for the effectual preventing of Horses, neat Cattle, Sheep and Swine from running at large or feeding upon a certain Island lying in Ipswich Bay in the County of Essex, passed in the Year of our Lord One thousand, seven hundred and thirty-nine” be and hereby is repealed.

Part of former  
act repealed.

Appropriation  
of fines.

SECT. 2. *Be it further enacted,* that the appropriation of the fines, provided for in the first section of the Act to which this is in addition, be, and hereby is repealed; and that the said fines be and hereby are appropriated to and for the use of the person or persons prosecuting therefor.

*Approved March 7, 1806.*

## 1805. — Chapter 78.

[January Session, ch. 52.]

AN ACT TO INCORPORATE THE PROPRIETORS OF THE MEETING-HOUSE IN WILLIAMSTOWN.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the persons who now are, and who hereafter shall be proprietors of the meeting-House, in Williamstown in the County of Berkshire, be and they hereby are incorporated and made a body politic by the name of The Meeting-House Corporation in Williamstown, and by that name may sue, and be sued, and shall be invested with all the powers, privileges and immunities to which similar corporations in this Commonwealth are en-

Corporatename.

titled by Law; and the said Corporation shall be, and hereby are deemed in Law to be seized of the same Meeting-House, with the privileges & appurtenances thereto belonging.

SEC. 2. *Be it further enacted*, That the Proprietors of said House be, and they hereby are authorised and empowered to raise, by an assessment on the pews & seats in said House, such sum or sums of money for finishing and keeping said House in repair, as they shall agree on at any legal meeting called for that purpose, and the same may assess, or cause to be assessed upon such pews and seats, as the proprietors, at any such meeting, shall deem proper, according to the respective valuation made thereof, and recorded in the proprietors book, and the sums so assessed shall be paid by the proprietors of such pews and seats, and if any proprietor shall neglect to pay such assessment which shall have been legally made, for the space of one year, the Treasurer of said Corporation shall be authorised and empowered to sell all the estate & interest of such delinquent Proprietor in said Corporation at public auction, first giving notice thereof, fourteen days, at least, previous to the sale by posting up notifications at the front door of said House, and at some public licenced House or shop, at the South part of said Williamstown, and also by publishing the same in the highest newspaper, to said Meeting-House, printed in said County of Berkshire, fourteen days previous to said sale, and to execute good and sufficient deed or deeds thereof, and after deducting said delinquent's assessment with legal interest thereon, from the time of the assessment, with incidental charges, the Treasurer shall pay the surplus, if any there be, to such delinquent proprietor.

Proprietors authorized to raise monies by assessments, &c.

SEC. 3. *Be it further enacted*, That any Justice of the Peace in said County of Berkshire, be, and he is hereby empowered to issue his warrant to some principal member of the said Corporation, requiring him to warn the members thereof to meet at such time and place as shall be therein set forth, to choose a moderator, and a clerk, who shall be duly sworn, a Treasurer and such other officers as the proprietors shall judge necessary, and the Moderator of that and all future meetings shall have power to administer the oath of office to the Clerk, and all the Officers thus to be chosen, shall continue till others are chosen in their stead, & all future meetings shall be warned in

First meeting.

the manner the proprietors shall agree on at their first meeting by a major vote, each proprietor having one vote, and no more, in all meetings of said Corporation.

*Approved March 8, 1806.*

### 1805. — Chapter 79.

[January Session, ch. 53.]

AN ACT TO ANNEX SAMUEL PAGE AND OTHERS, IN THAT PART OF DANVERS IN THE COUNTY OF ESSEX, LATELY THE SOUTH PARISH, TO THE NORTH PARISH IN THE SAID TOWN.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Page, John Endicott, Moses Endicott, Nathaniel Putnam, Samuel Fowler Junr., Caleb Oaks, William Pinder, Jasper Needham, John Gardner, junr., and Amos Flints, all of the town of Danvers, in the County of Essex, with their respective polls and estates, being in that part of Danvers, lately the South Parish, be and hereby are annexed to the North Parish of said Danvers, there to enjoy all the privileges of the said North Parish, and to pay their proportion of all necessary charges that may arise therein, so long as the Act continues in force, to empower the Proprietors of the South Meeting house in the late South Parish in Danvers, to raise money by a tax on the pews and seats, in said Meeting House.*

*Approved March 8, 1806.*

### 1805. — Chapter 80.

[January Session, ch. 54.]

AN ACT FOR CONTINUING AN ACT ENTITLED "AN ACT PROVIDING FOR THE APPOINTING OF A REPORTER OF DECISIONS, IN THE SUPREME JUDICIAL COURT."

*Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that the Act entitled "An Act providing for the appointment of a reporter of Decisions, in the Supreme Judicial Court" passed on the eighth day of March in the year of our Lord one thousand eight hundred and four, and all the provisions therein, are continued and shall be in force, until the eighth day of March in the Year of our Lord One thousand eight hundred and eleven.*

*Approved March 8, 1806.*

1805. — Chapter 81.

[January Session, ch. 55.]

AN ACT TO INCORPORATE THE PROPRIETORS OF THE FIRST  
UNIVERSALIST SOCIETY IN BOSTON.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that the persons who now are, and who hereafter may become proprietors of the Meeting house, and of the land under, and belonging to the same in the town of Boston, now occupied by the denomination of Christians commonly called Universalists, wherein the Revd. John Murray is now ordain'd as Pastor and teacher, be, and they are hereby incorporated and made a Body-Politic, and religious Society, by the name of The first Universalist Society in Boston, and by that name may sue and be sued, and shall be invested with all the powers, privileges, & immunities to which other religious Societies are entitled by the Constitution and Laws of this Commonwealth, for religious purposes only. And the said Society shall be capable in Law to purchase and hold estate, real or personal, for the use of said Society, provided the annual income thereof, shall not exceed at any time, the Value of three thousand dollars.

Proprietors  
incorporated.

Corporate  
name.

SECT. 2D. *Be it further enacted,* that the proprietors of the said House be, and they are hereby authorised and empowered to raise, by assessment on the pews & seats in said House, such sum or sums of Money, for the settlement and maintenance of a Minister or Ministers, repairing said House, and other expences of Public Worship, with such incidental charges, as they shall agree on, at any legal meeting, called for that purpose, and the same may assess, or cause to be assessed, upon such pews & seats, as the proprietors, at any such meeting, shall deem proper, according to the respective Valuation made ther[e]of, and recorded in the Proprietors' book, and the sums so assessed shall be paid by the proprietors of such pews & seats; and if any proprietor shall neglect to pay such assessment, which shall have been legally made, for the space of one year, the Treasurer of the said Society, shall be authorized and empowered to sell all the Estate and interest of such delinquent proprietor in said Corporation, at public Auction, first giving notice thereof, fourteen days at least,

Monies may be  
raised by assess-  
ments, &c.

previous to the sale, by posting up notifications, at two of the doors of said house ; and upon such sale, to execute good and sufficient deed or deeds thereof ; and after deducting said delinquents assessment, with legal interest thereon, from the time of the assessment, with incidental charges, the Treasurer shall pay the surplus, if any there be, to such delinquent Proprietor.

First meeting.

SECT. 3D. *Be it further enacted*, that Jonathan Hunewell, Esquire, or any other Justice of the peace, for the County of Suffolk, be, & he is hereby empowered to issue his Warrant, directed to some member of the said Society, requiring him to warn the members thereof, to meet, at such convenient time & place, as shall be therein set forth, to choose a Moderator, Clerk, Treasurer, and such other Officers, as they shall think needful, who shall be duly sworn to the faithful discharge of their respective Offices ; and the Moderator at that, and at all future meetings shall have power to administer the oath of Office, to the Clerk.

*Approved March 8, 1806.*

## 1805. — Chapter 82.

[January Session, ch. 56.]

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT IMPOWERING THE SELECTMEN OF SUCH TOWNS, WHERE THERE MAY BE FIRE-ENGINES, TO APPOINT ENGINE MEN & REPEALING THE LAWS HERETOFORE MADE FOR THAT PURPOSE."

Selectmen may appoint additional engine-men.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled and by the authority of the same*, that the Selectmen of the several towns in this Commonwealth, be, and they hereby are respectively authorised and empowered, if they shall judge it expedient, to nominate and appoint, from time to time, from and after the passing of this Act, any number, not exceeding six Men to each Engine, in addition to the number of fifteen Men now authorised by the Act to which this is an addition, amounting to twenty-one men for each Engine.

A further increase allowed under certain conditions.

SECT. 2. *Be it further enacted*, that the Selectmen of the several towns in this Commonwealth, be, and they hereby are respectively authorized and empowered, if they shall judge it expedient, to nominate and appoint, from time to time, from and after passing of this Act, any number, not exceeding four Men, to each Engine, in addition

to the said number of twenty-one men; *provided however*, that such addition be made with the consent of the Commanding Officers of the respective Military Companies, from which such additional number may be taken: And *provided also*, that no Military Company be thereby reduced under the number prescribed by law: And all Engine Men, appointed in pursuance of this Act, shall continue in Office, during the pleasure of the Selectmen, of the several towns, whereto they may belong; and shall enjoy all the privileges and exemptions to which other Engine Men are, or may hereafter be by Law entitled.

SECT. 3D. *Be it further enacted*, that the said Selectmen may in their discretion select from the Engine Men aforesaid, any number for each Engine in their respective towns, whose duty it shall be, under the direction of the firewards, to attend Fires therein with Axes, Firehooks, Firesails and Ladders, and who shall do such further duty, as the said Selectmen, shall, from time to time, prescribe; and shall be entitled to all the exemptions and privileges aforesaid.

Special duties  
of engine-men.

*Approved March 8, 1806.*

## 1805. — Chapter 83.

[January Session, ch. 57.]

AN ACT FOR FIXING THE TIMES AND PLACES OF HOLDING THE COURT OF PROBATE WITHIN AND FOR THE COUNTY OF MIDDLESEX AND FOR OTHER PURPOSES.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by authority of the same*, That the Court of Probate, within and for the County of Middlesex, from and after the first day of May next shall be holden at the several times and places herein after mentioned, that is to say, at Cambridge on the second Tuesday in January, May, November and December, and on the last tuesday in August: at Concord on the second tuesday in April and June; & on the first tuesday in October and December; at Groton on the fourth tuesday in May and on the third tuesday in October; at Framingham on the third tuesday in June and on the second tuesday in October; at Woburn on the fourth Tuesday in April; and at Chelmsford on the third tuesday in September annually, unless the said times, and places shall be altered on special Occasions as herein after provided.

Times and  
places for hold-  
ing probate  
court in Mid-  
dlesex Co.  
established.

Judge may alter  
times and places  
of holding  
court.

SECT. 2. *Be it further enacted*, that when the said times and places shall be found to interfere with the terms or sessions of other Courts, or when the judge of said Court of Probate, for the time being, shall be prevented by reason of sickness, inevitable casualty, or other cause, from holding the same at the time prefixed therefor, or when it shall appear to him to be for the General benefit, or the interest of individuals, he shall be, and is, hereby fully authorized and empowered, to appoint such other times or places for holding said Court, as he shall deem expedient, by giving public Notice thereof, or notifying all concerned, and the said Court shall and may be adjourned from time to time, and any suit, process or proceedings therein, continued to such time & place, as the said Judge may order and direct, any law to the contrary notwithstanding.

Former act re-  
pealed.

SECT. 3. *Be it further enacted*, that from and after the first day of May next, an act entitled An act for fixing the times and places of holding the Courts of Probate within and for the County of Middlesex, passed the fifteenth day of March last, be and the same is hereby repealed.

*Approved March 7, 1806.*

## 1805. — Chapter 84.

[January Session, ch. 58.]

AN ACT TO MAKE VALID, IN LAW, THE PARISH MEETINGS OF THE INHABITANTS OF THE WEST PARISH OF BETHEL IN THE COUNTY OF OXFORD, & FOR OTHER PURPOSES IN SAID ACT MENTIONED.

Parish meetings  
rendered valid.

SEC. 1. *Be it enacted, by the Senate and House of Representatives, in General Court assembled and by the authority of the same*, that the several parish meetings heretofore holden by the Inhabitants of the West Parish of the town of Bethel, in the County of Oxford, in the Months of March or April, annually, for the choice of Parish Officers, and for the purpose of raising monies for the Annual payment of the salary of the Minister of said Parish, and for such other purposes, as are authorised by law, be established and held valid in Law.

Doings of parish  
assessors and  
records of  
parish clerk  
rendered valid.

SEC. 2D. *Be it further enacted*, that the Acts and doings of the assessors of said Parish, & the records of said Parish Clerks be established and made valid, in Law, to all intents and purposes, as though it appeared, of record, that the said Parish Assessors and Clerks had always been sworn, as by Law required. *Approved March 8, 1806.*



1805. — Chapter 85.

[January Session, ch. 59.]

AN ACT IN ADDITION TO AN ACT INTITLED, “AN ACT DETERMINING THE TIMES AND PLACES OF HOLDING THE SEVERAL COURTS OF COMMON PLEAS, AND COURTS OF GENERAL SESSIONS OF THE PEACE, WITHIN AND FOR THE COUNTY OF CUMBERLAND.”

*Whereas by the Act intitled an Act determining the times and places of holding the several Courts of Common Pleas, and Courts of General Sessions of the peace, within and for the County of Cumberland no provision is made, for continuing over to the Court of Common pleas to be holden at Portland on the third tuesday of November last, such processes, recognizances & other matters, or for returning to said Court such Writs, attachments, recognizances or other matters and things which before the passing of the Act aforesaid had been made returnable to the Court of Common Pleas to be holden at New Gloucester on the third Tuesday of October Last.*

Preamble.

*Be it enacted, by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That, all such processes, recognizances, writs, attachments, or other matters and things which before the passing of said Act had been continued over, or which had been made returnable to the Court of Common Pleas to be holden at New Gloucester on the third tuesday of October last, be and hereby are confirmed and made valid to all intents and purposes whatever, in the same manner they would have been, had they been regularly continued and made returnable to the said Court of common pleas holden at Portland on the third Tuesday of November last.*

Processes,  
writs, &c.  
continued.

*Approved March 8, 1806.*

1805. — Chapter 86.

[January Session, ch. 60.]

AN ACT TO INCORPORATE THE NORTHERLY PART OF THE TOWN OF THOMASTON INTO A SEPERATE PARISH, BY THE NAME OF THE NORTH PARISH IN THOMASTON.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, & by the authority of the same, that the lands described within the following lines, with the inhabitants thereon, be and*

North Parish  
in Thomaston  
incorporated.

Boundaries.

hereby are incorporated into a distinct And separate Parish, by the name of The North Parish in Thomaston, vizt. Beginning at a stake & stones on the eastern shore of the Bay, part of St. Georges River, from thence running South sixty eight degrees east, on the line between the lands of Messieurs Stackpoles on the North, and Loveitt on the South, to the Salt Marsh called Wesaweskeag, thence by the Southerly end of said Marsh to the Great Creek, thence Northerly up said Creek, to the Southerly line of James Stackpole junior's marsh, thence by the Southerly & Easterly lines of said Stackpoles marsh, and the line between other marsh and the upland, to the southerly line of lot number eight, on Owl's head neck (so called) thence easterly by said line, and northerly by the easterly line of said lot number eight, and by the line between Gen. Knox's marsh, and the lands of Joseph & Josiah Ingraham, to the Northerly line of the land of Joseph Ingraham Esqr., thence easterly by said line, (the lands of Abraham Simonton, and John Goding adjoining on the North thereof) to the shore of Owl's head bay (so called). And the said North Parish is hereby vested with all the powers and privileges, to which other Parishes are entitled, by the Constitution & Laws of this Commonwealth.

First meeting.

SECT. 2. *Be it further enacted*, that either of the Justices of the peace for the County of Lincoln, be, and he is hereby authorised to issue his warrant, directed to some member of the said North Parish, requiring him to notify & warn the Inhabitants of said Parish, qualified to vote in parish affairs, to meet at such convenient time & place as shall be appointed in said warrant, to chuse such officers, as Parishes are by Law empowered & required to choose at their parish Meetings.

*Approved March 10, 1806.*

## 1805. — Chapter 87.

[January Session, ch. 61.]

AN ACT TO REVIVE AND EXTEND AN ACT, ENTITLED, "AN ACT PROVIDING A PASSAGE FOR FISH FROM MYSTICK RIVER TO EELL POND, SO CALLED IN THE TOWN OF MALDEN."

SEC. 1. *Be it enacted by the Senate & House of Representatives, in General Court assembled, and by the authority of the same*, that it shall be lawful for the town of Malden, at their own expense, to construct a passage way for the fish over the mill dam of Samuel Tufts, which stands

Town of  
Malden author-  
ized to construct  
a fish-way.

on the stream, leading from said pond, and for that purpose to cut away so much of the waste board, between the two easternmost posts of said dam, as to reduce the same four inches, below his right to flow, so as to admit of said passage way, to pass over said dam, in that place, and so up said stream, which said passage way shall be built & kept in repair until the seventh day of March in the Year of our Lord one thousand eight hundred & eleven, from the tenth day of April to the twentieth day of May inclusive, in each year, at the expence of said town.

SEC. 2. *Be it further enacted*, that it shall be the duty of the said Samuel Tufts, during said term, to keep his said dam, in as good repair as it now is; and if, at any time, the same shall be out of repair, and he shall not repair the same in a reasonable time, it shall and may be lawful for the town to repair the same, and to recover of said Samuel Tufts, double the amount of the expence thereof, with costs of suit, by an action of the case, in any Court proper to try the same; and also that the said Samuel Tufts, shall not improve any mill from the fifteenth day of April to the fifteenth day of May annually, except his mills for grain; and if the said Samuel Tufts should, at any time, waste, or draw off the water above said dam, with an intent to defeat the object of this Act, he shall forfeit & pay for each offence, a sum not exceeding Fifty Dollars, nor less than Twenty Dollars, to be recovered as is provided in this Act.

Dam to be kept in repair, &c.

SEC. 3. *Be it further enacted*, that it shall be lawful, for the said town of Malden, at their annual meeting in March or April annually, during said term, to choose a Committee, by ballot, of three, five or seven, freeholders of said town, whose duty it shall be, & they or the major part of them, are hereby authorised & empowered to keep the stream aforesaid free and clear of all obstructions to the passage of said fish, through the whole course of said stream from Mystick river to Eell Pond. *Provided*, that nothing in this Act contained shall be so construed as in any manner to affect any interest in said stream, or the privileges or appurtenances thereto belonging, claimed by said town, or by the said Samuel Tufts.

Committee to be chosen to keep stream free of obstructions.

SEC. 4. *Be it further enacted* that during the said term, it shall not be lawful for any person, to take any shad or alewives in the said stream, oftener, or more than two days in each week, viz, from sun rise on monday morn-

Fish to be taken only on certain days.

ing to sun rise on tuesday morning, and from sun rise on friday morning to sunrise on saturday morning in each week: And if any person shall offend against this prohibition, he shall forfeit & pay the sum of ten cents for each fish which he shall so take, to be recovered with costs of suit, by any one or more of the said Committee, who may first sue for the same, by action of debt in any Court proper to try the same, one half of which forfeiture, shall enure to the use of the said town, and the other half to him, or them, who may sue therefor.

Penalty for erecting obstructions across the stream.

SEC. 5. *Be it further enacted*, that if any person or persons shall erect any wear, or obstructions of any kind, across the said stream, so as to obstruct the passage of said fish, he or they so offending, shall forfeit and pay a sum not exceeding twenty dollars, nor less than ten dollars, for each offence, to be recovered by action of debt, in any Court proper to try the same, by any person who may sue for the same, one half of which forfeiture shall enure to the use of the said town, and the other half to him or them who may sue therefor.

Continuance of act limited.

SEC. 6. *Be it further enacted*, that this act shall continue and be in force, untill the seventh day of March in the year of Our Lord One thousand, eight hundred and eleven and no longer, except as to any prosecution, for any penalties, or actions for recovering any expences which may then be depending, according to the provisions thereof.

*Approved March 10, 1806.*

## 1805.—Chapter 88.

[January Session, ch. 62.]

AN ACT TO REPEAL DIVERS LAWS RESPECTING CRIMES AND OFFENCES.

Acts repealed.

· SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that an act entitled “an act against duelling,” passed the thirtieth day of June in the year of our Lord one thousand seven hundred and eighty four; also an act entitled “an act against Murder and manslaughter,” passed the twenty-eighth day of February, in the year of our Lord one thousand seven hundred and eighty five; also an act entitled “an act for the punishment of robbery,” passed the ninth day of March in the year of our Lord one thousand seven hundred and eighty

five; also an act entitled “an act against arson and other malicious burning,” passed the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty five; also an act entitled “an act for the punishing and preventing of Larcenies,” passed the fifteenth day of March, in the year of our Lord one thousand seven hundred and eighty five; also an act entitled “an act against Sodomy,” passed the third day of March, in the year of our Lord one thousand seven hundred and eighty five; also an act entitled “an act to prevent Forgery and for the punishment of those who are guilty of the same,” passed the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty five; also an act entitled “an act against counterfeiting or uttering counterfeit coin,” passed the fourth day of July, in the year of our Lord one thousand seven hundred and eighty six; also an act entitled “an act more effectually to prevent the forging of Bank Bills,” passed the sixth day of March in the year of our Lord one thousand eight hundred and one; shall be, and the same are hereby repealed; *provided*, that the same acts and every of them shall be and remain in force for the cognizance, trial and punishment of all such crimes and offences as are therein mentioned which have been committed before the passing of this act, and respecting all proceedings and matters thereupon arising, this repeal notwithstanding.

SECT. 2. *Be it further enacted*, that when any person, indicted of any felony, shall be by the verdict of the Jury of trials upon such indictment, acquitted from part of such indictment and convicted of the residue thereof, any such verdict may be accepted and recorded in the Court where such trial shall be, and thereupon such person, so indicted, may be adjudged to be guilty of the offence, if any, which shall appear to such Court to be substantially alledged in and by the residue of such indictment, if the same shall amount to a felony, and shall be sentenced and punished accordingly.

A verdict convicting a person on portion of an indictment may be accepted.

*Approved March 11, 1806.*

## 1805. — Chapter 89.

[January Session, ch. 63.]

AN ACT TO ESTABLISH THE “POND STREET CORPORATION.”

*Whereas the opening a Road or Street from Charles River Bridge across the Mill Pond, in Boston, would be a great public accomodation:*

Persons incor-  
porated.

Corporate name.

Selectmen to  
lay out street;  
description, &c.

Shares.

Meetings.

Public and  
private interests  
not affected.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that James Robinson, Perkins Nichols, and their associates and successors, be, and hereby are Incorporated & made a body politic by the name of the Pond Street Corporation, and by that name may sue and be sued, and shall be, and hereby are Vested with all powers and privileges incident to similar Corporations, for the purpose of making a street from the Boston side of Charles River Bridge, across the Mill Pond, in the most convenient Rout to connect with Middle street.

SECT. 2. *Be it further enacted*, That the Selectmen of said town of Boston shall be a Committee to lay out said street, which shall be made at the least sixty feet wide, of solid earth or Gravel, the southwesterly side thereof shall be faced with stone to the height of the Water at low tide, and the Northeasterly side with timber, suitable railing shall be erected on the sides thereof to the approbation of the Selectmen of said town, the whole of which shall be finished and compleated in One Year from and after the first day July next, and shall at all times be kept open, free of toll or expence, to all persons as a common Public Street.

SECT. 3. *Be it further enacted*, that said Corporation may, at any legal meeting, agree upon the number of shares into which said street shall be divided, not exceeding Fifty, and shall have power to make assessments on said shares, from time to time, as occasion may require, and to collect the same in such way and manner as the Corporation may determine.

SECT. 4. *Be it further enacted*, that any two of said Corporation may call a Meeting, by advertising the same in any one of the public News papers p[r]inted in Boston, at least seven day, before the time of such meeting; and at that, or any other meeting, may elect a Clerk, Treasurer, and such other Officers as they may think proper; and the same, at pleasure, change or remove. All transactions of the corporation shall be determined by a major Vote of the members present at any legal meeting.

SECT. 5. *Be it further enacted* that nothing herein contained shall be construed to alter or affect the right, interest, or estate of the town of Boston or any other person or persons interested in the Land, through or over which said Street shall be laid, excepting so much as the said Street shall actually cover.

SECT. 6. *Be it further enacted*, that the said Corporation shall be holden to pay all Damages which shall arise to any person or Corporation by taking his or their land for said way, (where the same cannot be obtained by voluntary agreement) to be estimated by a Committee of the Court of General Sessions of the Peace for the County of Suffolk, saving to either party a right of trial by Jury, according to the Law which makes provision for the recovery of damages by laying out public high ways.

Corporation to pay for all damages occasioned by taking land.

*Approved March 11, 1806.*

## 1805. — Chapter 90.

[January Session, ch. 64.]

### AN ACT REGULATING THE DESCENT AND DISTRIBUTION OF INTESTATE ESTATES.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That when any person shall die seized of any lands, tenements or hereditaments, or of any right thereto, or entitled to any interest therein, in fee simple or for the life of another, not having lawfully devised the same, the same shall descend in equal shares to his children, and to the lawful issue of any deceased child, by right of representation: And when the intestate shall leave no issue, the same shall descend to his father: And when there shall be no issue nor father, the same shall descend in equal shares to the intestate's mother, if any, and to his brothers and sisters, and the children of any deceased brother or sister, by right of representation: And if the Intestate leave no issue father, brother or sister, then the same shall descend to his mother, if any; but if there be no mother, then to his next of kin in equal degree; the collateral kindred claiming through the nearest ancestor to be preferred to the collateral kindred claiming through a common ancestor more remote; and the degrees of kindred in all cases to be computed according to the rules of the Civil law: And when there shall be no kindred, the same shall escheat to the Commonwealth for want of heirs. Saving always to the Intestate's husband his tenancy by the curtesy; and to his widow, her dower at the Common Law, unless she be lawfully barred of the same. *Provided however*, that when any child shall die under age, not having been married, his share of the inheritance that came from his father or mother, shall descend in equal shares to his

Descent of real estate of intestates.

father's or mother's other Children then living respectively, & to the issue of such other children as are then dead (if any) by right of representation: And *Provided further*, that when the issue or next of kin to the intestate, who may be entitled to his estate by virtue of this Act, are all in the same degree of kindred to him, they shall share the same estate equally, otherwise they shall take according to the right of representation.

Descent of  
personal estate  
of Intestates.

SEC. 2D. *Be it further enacted*, that when any person shall die possessed of any personal estate, or of any right or interest therein, not lawfully disposed of by last will, the same, after allowing to the widow (if any) her wearing apparel according to the degree and estate of her husband, and such further necessities as the Judge of Probate shall order, regard being had to the state of the family under her care, shall first be applied to the payment of the intestate's debts, with the charges of his funeral, and of settling his estate; and the residue, if any, shall be distributed among the same persons in the same proportion to whom the real estate shall by virtue of this Act descend. *Provided, however*, that the husband of the Intestate shall be entitled in all cases to the whole of the said residue, and further, that if the intestate shall leave a widow and issue, the widow shall be entitled to one third part of the said residue; or if there be no issue to one half part thereof; or if there be no kindred to the said intestate, then she shall be entitled to the whole of said residue. And *Provided further*, that when there shall be no husband, widow nor kindred to the intestate, the whole of the said residue shall escheat and enure to the Commonwealth.

Grants ex-  
pressly in ad-  
vance of an  
heir's portion  
to be so con-  
sidered in the  
settlement of an  
intestate's  
estate.

SEC. 3D. *Be it further enacted*, That all gifts or grants made by the Intestate to any child or grand child of any estate real or personal, in advancement of the portion of such child or grand child, and which shall be expressed in such gift or grant, or otherwise charged by the intestate in writing or acknowledged in writing by the child or grand child as made for such advancement, such estate, real and personal, shall be taken and estimated in the distribution and partition of the intestates real & personal estate as part of the same; and the estate, so advanced, shall be taken by such child or grand child towards his share of the intestates estate: And the value at which such estate shall be so taken shall be the same as above expressed or charged by the intestate or acknowledged by



the child or grandchild, if any value be so expressed, charged or acknowledged, otherwise at the value thereof when given.

SEC. 4TH. *Be it further enacted*, that in the distribution of the personal estate pursuant to this Act, alienage in the person claiming a distributive share thereof as issue, widow or otherwise, shall be no impediment to such persons receiving the same, any thing in this act to the contrary notwithstanding. But this provision is not to extend to the descent of any real estate to an Alien.

Alienage to be no impediment to the receipt of a share of personal estate.

SEC. 5TH. *Be it further enacted* that, all the lands, tenements and hereditaments of which the Intestate died seized, and also all such estate which he had fraudulently conveyed, or of which he had been colourably or fraudulently disseized, with intent to defraud his creditors, shall be liable for the payment of his debts, and may be recovered and applied thereto, in the manner by law directed, whenever the personal estate shall be insufficient therefor; saving to the widow her dower therein, except in the estate so fraudulently conveyed, to which she had legally relinquished her right of dower.

Real estate of intestate to be liable to seizure for debts when personal estate is insufficient.

SEC. 6TH. *Be it further enacted*, that this act shall be in force from and after the first day of July next; and that from and after that day all acts and parts of acts heretofore passed, so far as they come within the purview of this Act, shall cease and have no further effect excepting as to the estates of such persons who shall die before this Act shall be in force.

Time of taking effect, &c.

*Approved March 12, 1806.*

## 1805.—Chapter 91.

[January Session, ch. 65.]

AN ACT TO REGULATE THE TAKING AND DISPOSING OF THE FISH CALLED SHAD AND ALEWIVES, WITHIN THE LIMITS OF THE TOWN OF HINGHAM, AND FOR THE EFFECTUAL SECURING TO THE SAID TOWN THE ADVANTAGES THEREOF.

SECT. 1. *Be it enacted by the Senate & House of Representatives, in General Court assembled, and by the authority of the same*, that the taking & disposing of the said fish, called Shad & alewives, in the town of Hingham, shall be under the care and management, of a committee of the said town, who shall dispose of said fish, in such manner, as they shall judge most beneficial to the town, and shall render to the Town Treasurer, an account of

Fish committee to be appointed.

the proceeds thereof, on or before the first day of November annually; and the said Committee shall have a reasonable allowance for their services, and lay their account thereof before the Selectmen of the said town for their allowance and approbation. And the said Committee shall consist of five freeholders, chosen by ballot, in the Month of March or April annually, who shall be sworn or affirmed to the faithful discharge of their duty; and if any person chosen to serve on the said committee, or if chosen shall neglect to take the oath or affirmation, for the space of seven days, after being legally notified of such choice, he shall forfeit & pay to the use of the said town the sum of ten dollars.

Committee to open a passageway to Accord pond and direct where fish may be taken.

SECT. 2. *Be it further enacted*, that the said Committee or a majority of them, shall have full power & authority to open a sufficient passageway for said fish from the waters in Ware river so called into Accord pond so called and to remove from out of the river, brooks, or streams, issuing from Accord Pond, any obstructions, that may be made to the free passing of the said fish into the said pond, or repassing from the said pond to the sea; and the said Committee, or either of them, going on to the land of any person or persons for this purpose, shall not be deemed trespassers; and the said Committee, or the major part of them, shall determine the particular places, where the said fish shall be taken, & give public notice thereof, by posting up, one or more notifications in some conspicuous place or places, in the said town, on or before the first day of May annually; and the said fish shall not be taken on any other days, than Monday, wednesday and friday, between the rising and setting of the sun, on the said days, nor by any other instrument, than by a scoop or dip net.

Penalty for illegally taking fish.

SECT. 3D. *Be it further enacted*, that no person shall catch or take any of the said fish in any of the waters issuing from Accord Pond, or in any other streams, within the said town, without the leave of the said Committee, or the major part of them; and whoever shall presume at any time hereafter, to take, kill, or haul ashore, any of the said fish, with seines or drag nets, in said Ware river, thro' which the said fish pass into the said Pond, or shall with any seine or drag net, or in any other way, obstruct the passage of the said fish to or from the same, or shall with a scoop or dip net on any other days, than as aforesaid, take any of said fish, or shall obstruct the said Committee, or either of

them, in the execution of their duty, in all and every such case, the offender shall, for each offence, forfeit and pay a sum, not exceeding ten dollars, nor less than five Dollars, and in case the offence be committed in the night, a sum not exceeding twenty dollars, nor less than ten Dollars.

SECT. 4. *Be it further enacted*, that it shall be the duty of the said Committee, to give notice to the Treasurer of the said town of Hingham, of all offences committed against this act, which may come to their knowledge ; and the said Treasurer is hereby vested with full power and authority to sue for and recover from time to time, all fines and forfeitures incurred by any breach of this Act, in any Court proper to try the same ; and such fines and forfeitures, shall be to the use of the said town, saving where any person shall give information, of any breach of this Act, the informer, upon conviction of the offender, shall be entitled to one third part of the forfeiture ; and no person shall be considered as disqualified, from being a Witness, on any trial that may be had, pursuant to this act, on account of his being an inhabitant of the said town of Hingham, or of his being one of the Committee aforesaid.

Town treasurer to prosecute for offences under this act.

*Approved March 12, 1806.*

## 1805. — Chapter 92.

[January Session, ch. 66.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF MAKING A STREET FROM RAINSFORD'S LANE, IN THE TOWN OF BOSTON, TO THE BRIDGE PROPOSED TO [BE] BE BUILT, FROM, AT, OR NEAR THE TOWN'S LANDING TO DORCHESTER NECK."

SEC. 1. *Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Front Street Corporation be authorized to erect a fence or fences along the sides of said Street, at such places, as to them shall appear necessary, for the security of persons and carriages passing over the same ; and that they have authority to raise, by an assessment, or tax, to be made and Levied, in the manner appointed in the third Section of said Act, such sums of money, as shall be sufficient for making the fence aforesaid.

Corporation authorized to erect a fence and to lay an assessment to defray the expense.

SEC. 2. *Be it further enacted*, That, when all, or any part of the flats adjoining, shall be filled up, or covered

Fence may be removed in certain cases.

to a level with the surface of said Street, and to the extent of thirty feet on either side thereof, it shall be lawful for the proprietor or proprietors of the Contiguous estate to remove the fence upon such side or part, but not otherwise.

*Approved March 12, 1806.*

### 1805. — Chapter 93.

[January Session, ch. 67.]

AN ACT TO INCORPORATE THE PLANTATION HERETOFORE CALLED STILLWATER, IN THE COUNTY OF HANCOCK, INTO A TOWN BY THE NAME OF ORONO.

Orono incor-  
porated.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that the plantation heretofore called Stillwater, in the County of Hancock, as described within the following bounds, with the inhabitants thereon, be and hereby is incorporated into a town by the name of Orono, viz. Beginning at the North east corner of Bangor on Penobscot River, thence by the North east line of Bangor, to the North Corner of said Bangor, thence West on the North line of Bangor, until it meets the South east corner of township Number one in the second range, thence North on the east line of township number one, on Pooshau pond to the North east Corner of said number one, thence North, to the Northwest corner of the second quarter of township Number four, thence east to Penobscot River, at the North-east corner of the second quarter of township Number four, thence by a line drawn on the middle of the eastern channel of Penobscot river, so as to include the whole of the Island called Marsh's Island, to the bound first mentioned. And the said town is hereby vested with all the powers and privileges, and shall be subject to all the duties and requisitions of other towns, according to the Constitution and Laws of this Commonwealth.

First meeting.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the County of Hancock, is hereby authorised to issue his warrant directed to some inhabitant of the said town of Orono, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place, as shall be appointed in the said warrant, to choose such officers as towns are by Law required to choose, at their annual town meetings. *Approved March 12, 1806.*

1805.—Chapter 94.

[January Session, ch. 68.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE TOWN OF SALEM, IN THE COUNTY OF ESSEX INTO A SOCIETY BY THE NAME OF "THE BAPTIST SOCIETY IN SALEM."

SECTION 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* that Edward Russell, John Page, Daniel Peirce, Stephen Webb, Benjamin Webb, William Luscomb, Michael Webb, Daniel H. Mansfield, Ebenezer Seccomb, John Grant, Robert Foster, Benjamin Blanchard, Daniel Carlton, James Very, Joseph Gardner, Joseph Daland, Frederick Putnam, Tthuril Hinman, John Skery, John Chandler, John Rust, Ephraim Skery, Levi Mecumber, Jabez Baldwin, Joseph Vincent, William Morrow, Stilman Lothrop, David Murphy, Thomas Teague, Benjamin Deland, Addison Richardson, Pyam Dodge, Benjamin Tay, George West, Samuel Peters, Bartholomew Brown, Nathaniel Garland, John Dunklee, Josiah Austin, John Wilson, James Ingalls, Isaac Very, William Price, William Stickney, Benjamin Sweett, John Warden Junr. Joseph Edwards, John Hathorne Junr. William Hathorne Junr., James Odell, Daniel Bancroft, Samuel Randall, Robert Cluston, Allen Goodrige, William Lefavour, Peter Frye, John Fillebrown, Solomon Chaplain, Richard Tufts, Thomas Whitheridge, Joseph Ropes, Benjamin Crowningshield, John Brown, with such other persons as shall associate and become interested with them in manner herein after mentioned, be, and they hereby are incorporated and made a body politic, by the name of the Baptist Society in Salem.

Persons incorporated.

Corporate name.

SECTION 2D. *Be it further enacted* that the said Corporation may purchase and hold the lot of land in Salem aforesaid whereon they have lately built a Meeting House and such other estate real and personal, as the Corporation shall determine to own, *provided* that the annual income of the whole estate of the Corporation besides the Meeting House, and land under it, shall not exceed three thousand dollars — And the said Corporation may sue and be sued, by its Corporate name, may make and use a common seal, and break or alter it at pleasure, may make any bye laws for the Government thereof, and for the management of the Corporate property, that a major part of the

Corporation may purchase and hold property.

members present (calculating according to their respective interests) shall think for the best *provided* the same are not contrary to the Constitution and Laws of this Commonwealth—and is invested with all the powers, privileges and immunities, to which other religious Societies in this Commonwealth are entitled by Law.

Proportionate  
share of  
members.

SECTION 3D. *Be it further enacted*, that the property of the several members of the said Corporation, for the time being, shall be calculated according to their respective rights and interests in the pews and seats of the Meeting House lately built as aforesaid, at the valuation thereof, which hath been made; and all persons who shall become proprietors or interested in said pews and seats shall be deemed to have associated with, and shall become members of [of] this Corporation, according to their respective interests in such pews or seats.

Monies to be  
raised by assess-  
ments; shares  
of delinquents  
to be sold.

SECTION 4TH. *Be it further enacted*, that the said Corporation are hereby authorized to raise, by an assessment on the pews and seats in the said Meeting House, such sum and sums of money, for the settlement and maintenance of a minister or ministers, for the purchase of said lot of Land, for building up and repairing the meeting house, and for defraying the other expences of public worship, with incidental charges, as the members of the same shall agree on, at any legal meeting, to be called for that purpose, according to the said valuation; and the sums so assessed shall be paid by the respective proprietors of such pews and seats; and if any proprietor of such pew or seat, shall neglect to pay any assessment which shall be legally made thereon as aforesaid, for one year after the same shall have been made, the Treasurer of said Corporation for the time being shall be authorized and empowered to sell and convey all the estate, share and interest of such delinquent proprietor in the said Corporation, at public Auction; first giving notice thereof, fourteen days, at least, previous to the sale, at two of the doors of said meeting-house, and upon such sale to execute a good and sufficient deed or deeds thereof to the purchaser, and after deducting the amount of such delinquent's assessment, together with legal interest thereon, from the time the same was made, and all incidental costs and charges, the said Treasurer shall pay the surplus, if any there be, to such delinquent proprietor.

SECTION 5. *Be it further enacted*, that Ezekiel Savage Esqr. be, and hereby is authorized and directed to issue his warrant to some principal member of said Corporation, requiring them to meet, at such time and place as shall be therein set forth, to choose a Moderator and a Clerk, (who shall be duly sworn,) a Treasurer, and a Committee, and such other officers as they shall judge necessary; and the moderator of that and all future meetings shall have power to administer the oath of office to the Clerk; and the Committee appointed at that or any other meeting of said proprietors legally called for that purpose, shall have power and authority to assess and apportion on the pews and seats in said Meeting House all such sum and sums of money as the members of said Corporation shall lawfully agree to raise, and shall also be authorized to execute and deliver in the name and behalf of said Corporation deeds of the pews and seats in said Meeting House.

First meeting.

*Approved March 12, 1806.*

## 1805. — Chapter 95.

[January Session, ch. 69.]

AN ACT IN ADDITION TO AN ACT ENTITLED “AN ACT TO AUTHORISE THE RAISING A FUND FOR THE SUPPORT OF PUBLIC SCHOOLS IN THE TOWN OF WARREN, IN THE COUNTY OF LINCOLN.”

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Trustees named in an Act entitled “An Act to authorize the raising of a fund for the support of Public Schools in the Town of Warren, in the County of Lincoln,” and their successors in office, be, and they are hereby authorized and empowered to sell and convey a certain lot of Land, lying in said Warren, the property of the Inhabitants of said Town, adjoining to the Lot mentioned in said Act; to loan, manage and dispose of the money arising from the sale thereof, and to do and perform whatever may be necessary in the exercise of the powers with which the said Trustees and their successors are invested by said Act, in the same manner as if both the said Lots had been mentioned in the Act aforesaid.

Trustees authorized to sell a certain lot of land.

SECT. 2. *Be it further enacted*, that the money arising from the sale of the said land shall be appropriated by the said Trustees to the use of Schools in the town of Warren,

Appropriation of proceeds.

and that the Trustees aforesaid and their successors, shall render an account of their doings, and be responsible to the said Town of Warren, in the same manner as for the management of the fund mentioned in the Act aforesaid.

*Approved March 12, 1806.*

## 1805. — Chapter 96.

[January Session, ch. 70.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE ALFORD AND EGREMONT TURNPIKE CORPORATION.

Persons incor-  
porated.

Corporate name.

Course of the  
road.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That James Baldwin, Isaac Beach, Jared Canfield, John C. Cline, George Darby, Isaac Hatch, Francis Heare, John Hollenbach, Michael Hollenbach, Octavius Joyner, Elisha Lee, Joshua Millard, Joshua Millard Junior, John Osbourn, Andrew Race, Nicholas Race, Josiah Webb, & Cornelius Williams, together with such others, as already have, or may hereafter associate with them, their successors, and assigns, be, and they are hereby made a corporation, by the name of The Alford and Egremont Turnpike Corporation, for the purpose of laying out, making and keeping in good repair, a turnpike road thro' the towns of Egremont and Alford: Beginning at the line dividing this Commonwealth from the State of New York, at the termination there, of the Hillsdale & Chatham turnpike, in the State of New York, near the dwelling house of Nehemiah Clason; thence southerly, near the dwelling houses of Josiah Curtis, George Darby, & Ebenezer Hatch, to the dwelling house of Joshua Millard; thence near the dwelling-houses of Nicholas Race and John Hollenbach; thence near the dwelling house of Amasa Austin; and from thence by the dwelling-house of Joseph Curtis, to the twelfth Massachusetts Turnpike, near the dwelling-house of Francis Heare; and for the purpose aforesaid shall have all the powers & privileges; and shall also be subject to all the duties, requirements & penalties, prescribed and contained in an Act, entitled, "An Act defining the general powers & duties of Turnpike Corporations," passed the sixteenth day of March in the Year of Our Lord One thousand eight hundred and five.

Division of toll.

SECT. 2. *Be it further enacted,* that one fifth part of the toll, which shall be received at the turnpike gate, which



may be erected on the said turnpike road, in the town of Alford, shall enure to the benefit of the twelfth Massachusetts Turnpike Corporation, and the same shall be paid over to the Treasurer thereof, at the expiration of every three months, by the Treasurer of the Alford and Egremont Turnpike Corporation. And it shall be the duty of both said Corporations, in their annual exhibits, to be made, according to the ninth section of the Act defining the general powers & duties of Turnpike Corporations, to note & distinguish particularly the amount of the same. And the said fifth part of the toll, so to be received as aforesaid, by the twelfth Massachusetts Turnpike Corporation, shall be deemed and taken as part of their income, to all intents and purposes. *Approved March 13, 1806.*

### 1805. — Chapter 97.

[January Session, ch. 71.]

#### AN ACT PROVIDING FOR THE PUNISHMENT OF THE CRIME OF RAPE; AND FOR THE PREVENTION THEREOF.

SECTION 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That if any man shall ravish and carnally know any woman by force and against her will, or shall unlawfully and carnally know and abuse any woman child under the age of ten years, every such offender, and any person present aiding and consenting in such rape, or accessory thereto before the fact, by counselling, procuring or commanding such rape to be committed, who shall be duly convicted in the Supreme Judicial Court, of either of the felonies and offences aforesaid, shall suffer the punishment of death.

Punishment for rape or for being accessory thereto before the fact.

SECTION 2D. *Be it further enacted,* That if any person, after any rape committed as aforesaid, shall knowingly harbour, conceal, maintain or assist any principal offender therein, or any accessory thereto before the fact, & shall be thereof duly convicted in the Supreme Judicial Court, every such accessory after the fact, shall be punished by solitary confinement, for such term, not exceeding three months, and by confinement to hard labour, for such term thereafter commencing, not exceeding ten years, as the Justices of the said Court before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Punishment for being accessory after the fact.

Punishment for  
an attempt  
to commit  
rape, &c.

SECTION 3D. *Be it further enacted*, That if any man, with intent to commit a rape as aforesaid, shall make an assault upon a woman or female child, every such offender, and any person who shall consent aid or assist therein, and shall be thereof duly convicted in the Supreme Judicial Court, shall be adjudged guilty of a felonious assault, and shall be punished by solitary imprisonment for such term, not exceeding three months, and by confinement afterwards to hard labour, for such term not exceeding ten years, or by a fine not exceeding five hundred dollars, and by imprisonment in the common gaol for such term not exceeding one year, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the nature and aggravation of the offence.

Former acts  
repealed.

SECTION 4. *Be it further enacted*, That from and after the passing of this Act, all acts & parts of Acts heretofore passed, so far as they come within the purview of this Act, shall be, and they hereby are repealed; *provided* that the same acts, & parts of Acts shall be and remain in force for the cognizance, trial & punishment of all such crimes and offences as therein are mentioned, which have been committed before the passing of this Act, and all proceedings thereon arising, this repeal notwithstanding.

*Approved March 13, 1806.*

## 1805. — Chapter 98.

[January Session, ch. 72.]

AN ACT FOR PREVENTING PUBLIC STAGE PLAYS, INTERLUDES AND OTHER THEATRICAL ENTERTAINMENTS, IN CERTAIN CASES.

Penalty for  
erecting a build-  
ing for theatri-  
cal exhibitions,  
&c., without a  
license.

SEC. 1. *Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that if any person or persons shall hereafter erect or build any house or other building for the purpose of having the same used or improved for acting or carrying on any stage play, interlude or other theatrical entertainment in any County, within this Commonwealth, without the licence of the Court of General Sessions of the Peace for such County first obtain'd, upon the approbation of the Selectmen of the town in which the same be intended, he shall forfeit and pay a sum not exceeding two thousand Dollars, for each and every offence,

to be recovered by indictment before the supreme Judicial Court, holden within and for the County in which such offence shall be committed, to the use of the Commonwealth.

SEC. 2. *Be it further enacted*, that if any person or persons shall hereafter, in any County within this Commonwealth, for profit, gain or other valuable consideration, let to hire, any house or Other building, or suffer any house or other building in his or their possession to be used or improved for acting, or carrying on for profit, gain or valuable consideration, any Stage Play, interlude or other theatrical entertainment, without the licence of the Court of General Sessions of the peace for such County first obtained upon the approbation of the Selectmen of the town in which the same be intended he or they shall forfeit a sum not exceeding five hundred Dollars, for each and every time such house or building shall be so let to hire, or suffered so to be used or improved, to be recovered by indictment before the Supreme Judicial Court, for the County in which such offence shall be committed, to the use of the Commonwealth.

Penalty for letting a building for theatrical performances without a licence.

SECT. 3. *Be it further enacted*, that if any person or persons shall hereafter, in any County within this Commonwealth, act or carry on, or assist in acting or carrying on, for profit, gain or valuable Consideration, any stage play, interlude or other theatrical entertainment, in any house or building or other place, without the licence of the Court of General Sessions of the Peace, for such County first obtained, upon the approbation of the Selectmen of the Town in which the same be intended, he or they shall forfeit and pay a sum not exceeding four hundred Dollars, to be recovered by indictment before the Supreme Judicial Court holden for the County in which such offence shall be committed, to the use of this Commonwealth.

Penalty for assisting or acting in any stage performance without a licence.

SECT. 4. *Be it further enacted*, that such licences shall continue and be in force for the term of one Year from the time of Granting the same and no longer, and upon the approbation of the Selectmen of the town for the time being, may be annually renewed by the Court of General Sessions of the Peace for such County.

Licenses to continue in force for term of one year.

SEC. 5. *Be it further enacted*, that this Act shall be in force from and after the first day of June next and not before,

Date of going into effect.

*Approved March 13, 1806.*

## 1805. — Chapter 99.

[January Session, ch. 73.]

AN ACT FOR REGULATING THE PROCEEDINGS IN SUITS UPON SHERIFFS' BONDS, FOR THE USE OF ANY PERSON OR PERSONS; WHO ARE OR MAY BE INTITLED TO THE BENEFIT OF THE SAME.

Method of proceeding in a suit for malfeasance, &c., against a sheriff.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That when the condition of any bond, which now is or may hereafter be given to the Treasurer of the Commonwealth by any Sheriff, for the faithful performance of the duties of his Office, and to answer for the malfeasance and misfeasance of all his deputies, shall be broken, to the injury of any person, such person may cause a suit to be instituted upon such bond at his own cost, but in the name of the Treasurer, and the like indorsements shall be made on the Writ, and the like proceedings be had thereon to final judgment and execution, as may be made and had by a creditor on administration bonds given to any Judge of Probate; *provided however,* that no such suit shall be instituted by any person for his own use, until such person shall have recovered Judgment against the Sheriff, his Executors or administrators, in an Action brought for the malfeasance or misfeasance of the Sheriff or his Deputy, or for non-payment of any monies collected by the Sheriff or his Deputy, in that Capacity, or a decree of a judge of Probate, allowing a claim for any of the causes aforesaid; and such judgement or decree, or so much thereof as shall be unsatisfied, with the interest due thereon, shall be the portion of the penalty for which execution shall be awarded.

Actions for malfeasance, &c., may be sued against executors or administrators of a sheriff.

SECT. 2. *Be it further enacted,* that actions for the malfeasance or misfeasance of any Sheriff or of any of his Deputies, may be sued against the executors or administrators of such Sheriff, in the same manner as if the cause of such action survived against the Executor or Administrator at the common Law: *Provided however,* that this Act shall not be construed to make any surety in any bond given by the Sheriff as aforesaid, before the passing of this act, liable to any suit which could not heretofore be legally prosecuted against him.

Treasurer to furnish copies of sheriffs' bonds.

SECT. 3. *Be it further enacted,* that it shall be the duty of the Treasurer aforesaid, to deliver an attested Copy of

any Sheriffs' bond to any person applying and paying for the same; and such attested copy shall be, received as Evidence in any case; *provided nevertheless*, that if, in any suit, the execution of the bond shall be disputed, the Court may order the Treasurer to bring the original bond with him into Court. *Approved March 13, 1806.*

## 1805. — Chapter 100.

[January Session, ch. 74.]

AN ACT TO EXEMPT CERTAIN GOODS AND CHATTELS OF DEBTORS FROM ATTACHMENT AND EXECUTION.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the first day of May next, the Wearing Apparel, beds, bedsteads, bedding, and household utensils, of any debtor, necessary for himself, his wife, and children; the tools of any debtor, necessary for his trade or occupation, the bibles and School books, which may be in actual use in his or her family, together with one Cow and one Swine, shall be altogether exempted from attachment and execution, and no civil Officer shall attach, levy upon, or take the same, or any part thereof either upon *mesne process* or execution — *Provided nevertheless*, That the beds and bedding exempted as aforesaid, shall not exceed one bed, bedstead, and necessary bedding to two persons, and household furniture the value of fifty Dollars, upon any just appraisement.

Articles  
exempted from  
attachment.

SEC. 2. *Be it further enacted*, That no Debtor or Debtors owning any of the Goods and Chattels aforesaid shall be thereby precluded from the benefit of an Act, passed the nineteenth day of November, in the year of our Lord, One thousand seven hundred and eighty seven, entitled, "An Act for the releif of poor prisoners who are committed by execution for Debt" and instead of the Oath or affirmation, thereby prescribed to be taken whenever the Justices thereby authorised to administer an Oath or Affirmation, shall think proper to administer such Oath or affirmation, there shall be taken an Oath or affirmation, in form following, to wit, I do solemnly swear before Almighty God (or affirm as the case may be) that I have not any estate real or personal, in possession, reversion, or remainder, sufficient to sup-

Debtors' oath.

port myself in prison, or to pay prison charges; except the goods and chattels exempted from attachment and execution, by an Act, entitled, “An Act to exempt certain goods & chattels of Debtors from attachment and execution” and that I have not, since the Commencement of this suit against me or at any other time, directly or indirectly, sold leased, or otherwise conveyed or disposed of to, or entrusted any person or persons whomsoever with all or any part of the estate, real or personal whereof I have been the lawful owner or possessor with any intent, or design to secure the same, or to receive, or to expect any profit or advantage therefor; or have caused or suffered to be done, any thing else whatsoever whereby any of my Creditors may be defrauded, so help me God (or this I do under the pains and penalties of perjury) as the case may be.

*Approved March 13, 1806.*

### 1805. — Chapter 101.

[January Session, ch. 75.]

AN ACT PROVIDING FOR THE PUNISHMENT OF THE CRIMES OF BURGLARY AND OTHER BREAKING AND ENTERING OF BUILDINGS.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the Same,* that if any person, with intent to kill, rob, steal, commit a rape, or to do, or perpetrate any other felony, shall, in the night time, break and enter, or having, with such felonious intent, entered, shall, in the night time, break a dwelling house, any person then being lawfully therein, and such offender being, at the time of such breaking or entering, armed with a dangerous weapon, or arming himself or herself in such house with a dangerous weapon, or committing an actual assault upon any person lawfully being in such house every such offender, and any person present, aiding, assisting, or consenting in such burglary, or accessory thereto before the fact, by counselling, hiring, or procuring such burglary to be committed, who shall be duly convicted thereof in the Supreme Judicial Court shall suffer the punishment of death.

Punishment for burglary, or being accessory thereto before the fact, when the burglar is armed.

Punishment when burglar is not armed.

SECT. 2. *Be it further enacted,* that if any person, with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall, in the night time, break

and enter, or having, with such felonious intent, entered, shall in the night time break, a dwelling house, without being armed with a dangerous weapon, or without arming himself or herself in such house with a dangerous weapon and without committing an assault upon any person lawfully being in such house, every such offender and every person present aiding and abetting in such burglary, or accessory thereto before the fact, by counselling, hiring or procuring such burglary to be committed, who shall be duly convicted thereof in the Supreme Judicial Court, shall be punished by solitary imprisonment for such term, not exceeding two years, as the Justices of the said Court, before whom the conviction may be, shall sentence and order and by confinement afterwards, to hard labour for life.

SECT. 3. *Be it further enacted*, that if any person, after any burglary committed as aforesaid, shall knowingly harbour, conceal, maintain or assist any principal offender, or accessory thereto before the fact, every such accessory after the fact, who shall be thereof duly convicted in the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term not exceeding three months, and by confinement afterwards to hard labour, for such term not exceeding ten years, as the Justices of the said Court before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Punishment for being accessory after the act.

SECT. 4. *Be it further enacted*, that if any person, with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall in the night time, enter without breaking, or, in the day time break and enter, any dwelling-house or any out house thereto adjoining and occupied therewith, or any office, shop or ware house, or any ship or vessel lying within the body of a County, every such offender, and every person present, aiding or abetting in the commission of such offence, or who shall have counselled, hired or procured the same to be committed, being thereof duly convicted in the Supreme Judicial Court shall be punished by solitary imprisonment, for such term, not ex[c]eeding six months, and by confinement afterwards to hard labour, for such term, not exceeding three years, or by a fine not exceeding five hundred dollars and imprisonment in the Common Gaol not exceeding three years, as the Justices of the said Court,

Punishment for breaking into a house in the day time, or entering in the night time without breaking.

before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Former acts  
repealed.

SECT. 5. *Be it further enacted* that from and after the passing of this act all acts and parts of acts heretofore passed, so far as they come within the purview of this act be, and they hereby are repealed. *Provided* that the same acts and parts of acts and every of them shall be and remain in force for the cognizance trial and punishment of all such crimes and offences as are therein mentioned which have been committed before the passing of this act and all proceedings thereon arising this repeal notwithstanding.

*Approved March 13, 1806.*

## 1805. — Chapter 102.

[January Session, ch. 76.]

AN ACT TO INCORPORATE BENJAMIN LINCOLN & OTHERS INTO A SOCIETY BY THE NAME OF THE SOCIETY OF THE CINCINNATI WITHIN THE STATE OF MASSACHUSETTS.

Preamble.

*Whereas upon the Dissolution of the American revolutionary Army in the Year of Our Lord one thousand seven hundred and eighty three Benjamin Lincoln and others, officers in the Massachusetts Line, of said Army, did associate for the purpose of forming a fund to be forever thereafter appropriated for the Relief of the indigent Members of said association, and the Widows & Orphans of said Members, and in Order to secure the said Fund, and fulfil the charitable Designs of said Institution, have petitioned to be incorporated.*

Persons incor-  
porated.

Corporatename.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said Benjamin Lincoln and his associates, together with such others as may be admitted Members of said association, be, and they hereby are incorporated into a society by the Name of the Massachusetts Society of the Cincinnati, with power to have a common seal; to make Contracts relative to the Objects of the said charitable Fund; to sue and be sued; to establish Bye-Laws and orders for the regulation of said Society, and the Preservation and application of the Funds thereof, *provided* the same be not repugnant to the Constitution & Laws of this Commonwealth; and to take, hold & possess any Estate real or personal, by subscription, gift, grant, purchase, Devise, or otherwise, and the same to



improve lease, exchange, or sell and convey for the sole benefit of said institution; *Provided*, the value of the real Estate of said Society shall never exceed Twenty thousand Dollars, & the annual income of the whole Estate of said Society shall not exceed five thousand Dollars.

SEC. 2D. *Be it further enacted* that the said Society Meetings. shall meet in Boston, on the fourth Day of July annually, (unless the same should fall upon a Sunday, in which case the annual meeting shall always be holden on the day succeeding,) for the purpose of electing, by ballot, from their Members, a President, Vice President, Treasurer, Secretary, & such other Officers as may be necessary to manage their concerns; all which Officers shall hold their said Offices for One Year, and until others shall be elected to succeed them, and the Officers for the time being shall publish a Notification of the time and place of each annual meeting in at least two News papers, at least fourteen days before holding the same. Upon any urgent Occasion the president or Vice President, or in their absence the Secretary, may appoint a special Meeting of said Society, to be notified in the same Manner as annual Meetings.

SEC. 3D. *Be it further enacted*, That the President, Vice President and other Officers of said society, chosen on the fourth day of July last, shall have the same authority to manage the concerns thereof as is hereby vested in like Officers to be hereafter annually chosen. *Provided never the less*, that this Act of incorporation shall be determinable at the Pleasure of the Legislature. Existing officers empowered.

*Approved March 13, 1806.*

## 1805. — Chapter 103.

[January Session, ch. 77.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE ESSEX TURNPIKE CORPORATION."

*Whereas in the third Section of an Act, entitled, "An* Preamble.  
*Act to establish a Corporation by the name of the Essex Turnpike Corporation" passed on the twenty second day of June, in the year of Our Lord one thousand eight hundred & three, it was enacted that the made way & travelling path of said Turnpike, shall be thirty two feet wide, in every part thereof, which is wider than the public accommodation, and the Act defining the general powers and duties of Turnpike Corporations require — Therefore —,*

Part of former  
act repealed.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the third Section of an Act, entitled “An Act to establish a Corporation by the name of the Essex Turnpike Corporation,” as relates to the width of the made way or travelling path of said Essex Turnpike, be, and hereby is repealed.

Width of the  
road.

SECT. 2. *Be it further enacted,* that the said Corporation, shall make the travelled part of said Turnpike, not less than twenty four feet wide, in any part thereof, agreeably to the second section of An Act defining the general powers and duties of Turnpike Corporations.

*Approved March 13, 1806.*

### 1805. — Chapter 104.

[January Session, ch. 78.]

AN ACT TO ESTABLISH A CORPORATION BY THE NAME OF THE LANCASTER AND BOLTON TURNPIKE CORPORATION.

Persons incor-  
porated.

Corporate name.

SEC. 1. *Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James Carter, together with such persons as have or may hereafter associate with him and their successors and assigns, shall be, a Corporation by the name of The Lancaster and Bolton Turnpike Corporation, for the purpose of making a Turnpike Road from near Jacob Fishers in Lancaster, to near Jacob Fisher, in Bolton — And for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an Act, entitled, “An Act defining the general powers, and duties of Turnpike Corporations,” passed the sixteenth day of March, in the year of Our Lord One thousand eight hundred and five.

One gate al-  
lowed.

SEC. 2. *Be it further enacted,* That the said Corporation shall be entitled to one Gate with the usual toll.

Road may be  
established as a  
county road.

SEC. 3. *Be it further enacted,* That at any time hereafter, by the Consent of said Corporation, and the towns of Lancaster and Bolton, said Turnpike Road may be established as a County Road, and not otherwise.

*Approved March 13, 1806.*

1805. — Chapter 105.

[January Session, ch. 79.]

AN ACT TO ESTABLISH DAY'S ACADEMY.

*Whereas Benjamin Day and others, have subscribed Twenty three hundred Dollars, for the purpose of erecting and supporting an Academy, at Wrentham, in the County of Norfolk.*

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that there be, and hereby is established in said Wrentham, an academy, by the name of Day's Academy, for the promotion of learning and religion, and that the present Pastor, and the present Deacons, of the first congregational Church in said Wrentham, and their successors in Office, together with Beriah Brastow, George Hawes, Jairus Ware, John Whiting, Lewis Whiting, Abijah Pond, Timothy Whiting, Daniel Ware, Amos Archer, David Fisher, Junr., Joseph Whiting, Junr., Eliphalet White, Luther White, Elijah Craig, Eliphalet Whiting, John Hall, junr., William Brown, William Messenger, and such others, as may hereafter associate with them, be, and hereby are incorporated into a body politic, by the name of The Trustees of Day's Academy, and that they, and their successors shall be and continue a body politic and Corporate by the same name forever. Provided however, that the number of Trustees, may be reduced, at the pleasure of the Legislature.*

Academy established and trustees incorporated.

Corporate name.

SEC. 2D. *Be it further enacted, that all the Monies, lands, or other property, already subscribed, & given, or which shall hereafter, be given, granted, devised, or bequeathed, to the said Trustees, for the purposes aforesaid, shall be, and hereby are confirmed to the said Trustees & their successors, in that trust forever; and the said Trustees may have & hold, in fee simple, by gift, grant, or otherwise, any lands, tenements, hereditaments, or other estate real or personal, provided the annual income thereof, shall not exceed the sum of Four thousand Dollars, and may sell and dispose of the same, & apply the rents, issues & profits thereof in such manner, as they may judge most proper, to effect the purposes of the said Corporation.*

Trustees allowed to receive, hold, or dispose of corporate property.

SEC. 3D. *Be it further enacted, that the said Trustees, or a major part of them, shall have power, from time to*

Trustees authorized to elect officers, establish rules, &c.

time, to elect such Officers, of the said Academy, as they shall judge necessary, to fix the tenure of their respective Offices, to fill all vacancies in said Corporation, to determine the times and places of the meetings of said Corporation, to elect and prescribe the powers and duties, of the Officers of the said corporation, and also to prescribe the powers & duties of the preceptor, preceptress, teachers, & all other Officers of the said Academy, and to make and ordain, reasonable rules, orders, and bye laws, not repugnant to the Laws of this Commonwealth, with reasonable penalties for the breach thereof.

Corporation to  
have a common  
seal, &c.

SEC. 4. *Be it further enacted*, that the said Corporation may have a common seal, which they may at pleasure break and renew ; and that all Deeds, signed and sealed, with such seal, deliver'd & acknowledged, by the Secretary or Clerk of said Corporation, by order of the said Trustees, shall be good and valid in Law ; and the said Corporation may sue & be sued, in all actions, real, personal, & mixed, and prosecute & defend the same to final judgment and execution, by the said name of incorporation.

First meeting.

SEC. 5. *Be it further enacted* that either of the Justices of the Peace, for the County of Norfolk, be, and hereby is authorised to fix the time & place for holding the first meeting of said Trustees, and to notify them thereof.

*Approved March 13, 1806.*

## 1805. — Chapter 106.

[January Session, ch. 80.]

AN ACT IN AMENDMENT OF THE ACT ESTABLISHING THE NORFOLK AND BRISTOL TURNPIKE CORPORATION, AND OF THE TWO ACTS IN ADDITION THERETO.

Additional toll  
gates allowed.

SECTION 1ST. *Be it enacted by the Senate and house of Representatives, in General Court assembled, and by the authority of the same*, that the Norfolk and Bristol Turnpike Corporation be, and they are hereby further authorised and empowered, in lieu of the one gate, now established between the Court-house in Dedham, and the house of Benjamin Mann in Walpole, to erect two toll gates ; and also in lieu of the one gate, now established between the house of Israel Hatch in Attleborough, and the end of said Turnpike at Pawtucket bridge, to erect two other toll gates in such places, not upon the old road, as may be most fit and proper to ensure the collection of

the legal tolls, and when the same are erected, and so long as the said Corporation shall deem it eligible to continue the same, the said Norfolk and Bristol Turnpike Corporation shall be entitled to demand and receive at each of said gates, in lieu of the toll allowed by the act establishing the said Corporation, the same rate of toll as is allowed by the act in further addition to the act establishing the Norfolk and Bristol Turnpike Corporation, passed the ninth day of March, in the year of our Lord one thousand eight hundred and four. *Provided*, that not more than one half gate shall be placed between Dedham Court-house and Moses Guild's house, and that not more than one half gate shall be placed between the said Moses Guild's house, and Benjamin Mann's house, and that the last mentioned half gate shall not be placed within thirty rods of Moses Guild's house; and *provided also* that if the said Corporation shall hereafter think proper to unite the two last mentioned half gates, and have one whole gate, such whole gate shall not be located in any place in which the same could not have been located if this act had not passed. *Provided also* that if the said Corporation shall divide the gate now erected between the house of Israel Hatch and Pawtucket bridge they shall not place the two half gates within three miles of each other.

SECTION 2D. And to the end that the said Corporation may not be defrauded of their legal dues,

*Be it further enacted*, that any person who shall travel on any part of the said Turnpike road, not made on an old road and separated therefrom by a fence, and shall turn off from said Turnpike road with an intent to avoid passing the next gate, shall be liable to pay, and the said Corporation shall be entitled to demand and receive the same rate of toll for his carriage team sleigh horses or cattle as he would be liable to pay if he actually passed such gate.

Persons liable to toll who turn off the road to avoid a gate.

SECTION 3D. *Be it further enacted*, that any person who shall, within seven rods of either of said gates, enter or pass on said Turnpike, not made on an old road, and actually travel on any such part of said Turnpike road without paying toll at such gate, shall be liable to pay, and the said Corporation shall be authorised to demand and receive the same rate of toll for his carriage, team, sleigh, horses or cattle, as he would be liable to pay if he actually passed through such gate. *Provided nevertheless*, that nothing in this act shall be construed to render any

Persons liable to toll who enter or pass on the road within seven rods of a gate.

person liable to pay toll for travelling on said Turnpike between the place where the lane leading from the house of Oliver Ellis, in Dedham, communicates with the said Turnpike, and the place where the said Turnpike next strikes the old road. *Provided also* that nothing herein contained shall oblige any person to pay toll who shall enter on, or pass off said Turnpike within seven rods of the gate near the house of Elijah Bayden. *Provided also* that no person specially exempted from paying toll by either of the acts, to which this is in addition, shall be subjected thereto by virtue of this act.

The gate between Dunster's and the mill-creek in Dedham, may be removed.

SECTION 4TH. *Be it further enacted*, that the said Corporation be, and they are hereby authorised and empowered to remove the gate erected between the house of Isaiah Dunster and the Mill-creek in Dedham, to any place between the said Dunster's and the place where the Turnpike crosses the old road west of said Mill-creek; and in case said gate shall be placed within seven rods of the place of intersection, any person who shall enter on to said Turnpike west of said gate, or turn off therefrom, shall be liable to pay, and the said Corporation shall be authorised to demand and receive of him one half as much toll as he would be liable to pay if he passed through such gate; and any person who shall enter on said turnpike at the lane leading from the old road to the Mills in Dedham, and shall travel on said Turnpike, shall be liable to pay the same toll as he would have paid if he had actually passed through such gate.

Width of the road in certain places may be less than herebefore prescribed.

SECTION 5TH. *Be it further enacted*, that the Committee appointed by the General Court to locate the Norfolk and Bristol Turnpike be, and they are hereby further authorised to lay out the same of a less width than three rods near the Barn of Israel Hatch in Attleborough, near the house of Benjamin Daggett in said Attleborough, and near the abutment of Pawtucket bridge in Rehoboth; *provided* that in the opinion of the said Committee such reduction will not impede the public travel.

Act may be repealed.

SECTION 6TH. *Be it further enacted*, that the Legislature may repeal this act whenever it shall be judged proper and expedient, anything herein to the contrary notwithstanding.

*Approved March 14, 1806.*

1805. — Chapter 107.

[January Session, ch. 81.]

AN ACT TO INCORPORATE EDWARD H. ROBBINS AND OTHERS  
BY THE NAME AND STYLE OF THE PROPRIETORS OF THE  
SCHOODICK SLUICE WAYS.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, that Edward H. Robbins, Abiel Wood Junior, Shubael Downes, and William Pike — and such persons as shall be associated with them and their successors, shall be a Corporation by the name of the Proprietors of the Schoodick Sluice ways, for the purpose of building, maintaining and holding a sluice way, from the Washington Mills so called in township number five in the County of Washington down said River or on the land contiguous thereto, to some suitable landing place on the tide waters of said River; and they are hereby vested with all the powers and privileges which are by law incident to corporations of a similar nature.

Persons incor-  
porated.

Corporatename.

SECT. 2D. *Be it further enacted*, that the said Sluice ways, shall be held in thirty-two shares and shall be considered as appurtenant to said Washington Mills, so far that all lumber sawed therein shall have the preference in being sluiced, and each share shall give the person holding the same, one vote in the proceedings of said Corporation either in person or by representation in writing, for the purpose specially made, which shall be filed with and recorded by the Clerk — *Provided* that no one Proprietor shall have a right to more than eight votes on any occasion; And the Proprietors in said Mills and their heirs, shall have the first right to subscribe for shares in said sluice ways, to the amount of each ones proportion as proprietors in said Mills, and if the whole of said shares shall not be taken and subscribed for by the proprietors of said Mills or their heirs within ninety days from the passing of this Act, in the ratio aforesaid, then the remaining shares may be subscribed for and taken by the other proprietors of said Mills in the ratio in which they are interested therein: *Provided*, that any of said Proprietors may take more or less than their individual proportions of said remaining shares, by the consent of the other subscribing proprietors made in writing.

Shares; sub-  
scription pre-  
scribed.

Toll established.

SECT. 3D. *Be it further enacted*, that for the purpose of reimburseing said proprietors their expences in building & maintaining said sluice ways, a toll be and hereby is granted for the sole benefit of said incorporation according to the rates following; for every thousand feet of boards, plank or joist computed at board measure, fifty cents, for every thousand of clapboards forty cents, for every thousand of shingles nine cents, for every ton of timber twenty cents, for every hundred feet of ranging timber sixteen cents, for all sparrs fifty cents for each hundred inches.

First meeting.

SECT. 4. *Be it further enacted*, that the said Proprietors or any two of them may make their application to any Justice of the Peace for the County of Washington, requesting him to call a meeting of said Proprietors to be holden at some convenient place within said township number five, whereupon said Justice is hereby empowered to issue his warrant to one of said Proprietors directing him to warn and notify said Proprietors to meet at such time and place in said township number five, as he shall therein direct, to agree on such method as may be thought proper for calling meetings of said Proprietors in future, and do and transact such matters and things relating to said Propriety as may be expressed in the warrant. And the Proprietor to whom such warrant shall be directed, shall give notice to said Proprietors by posting up a written notification at some public place, within said township number five, and also by advertiseing the same in the Newspaper printed in the town of Boston, by the Printers of the General Court, four weeks before the time of holding said Meeting — at which meeting or any subsequent meeting, said Proprietors may agree upon the mode of calling future meetings, and appoint a Clerk, treasurer and such other officers of the Corporation as they may deem necessary; who shall be duly sworn to the faithful discharge of their respective trusts, and may make and establish any rules and regulations which shall be found necessary for regulating said Corporation, for collecting the toll or fees herein established and for the more effectually executing the general purposes of this Act; and shall have power to assess and recover reasonable fines and penalties for any breach or breaches of such rules and regulations, not exceeding fifty dollars: *Provided* the same shall not be repugnant to the Constitution and Laws

Officers; rules  
and regulations.



of this Commonwealth; and this Act and all the rules, regulations, votes and doings of said Corporation shall be fairly and truly recorded by the said Clerk in a book or books for that purpose to be provided and kept.

SECT. 5. *Be it further enacted*, that Theodore Lincoln, Thomas Vose and Stephen Brewer be, and hereby are appointed a Committee to survey, lay out and describe, by meets and bounds, so much land, with water privilege, as they or either two of them, upon view of the whole, shall determine to be necessary and sufficient for the use and accomodation of said Sluice way and a landing place at the termination thereof, to deposit lumber after being sluiced; and also to determine on the places and describe two suitable passage ways either over or under said sluice ways, sufficient for loaded teams to pass, which said proprietors shall be holden to make and repair as appurtenant to said Sluice ways, and the said Committee shall Certify the whole of their doings to the Clerk of said Proprietors, who shall forthwith cause the same to be recorded in their book of records, and also in the registry of deeds for said County of Washington; and the said Proprietors of the Sluice ways shall, within sixty days after said Certificate is filed with their Clerk, tender to each individual owner of said Washington Mills, who shall not have subscribed their share or shares in this Corporation, their full proportion of the amount of the appraisement aforesaid and if such individual or their guardians in case of their being minors shall receive the same, the payment thereof shall operate in full satisfaction of their claims on said land and privileges taken for the use of said Sluice way; But if said Proprietors shall not tender to any individual their proportion of the damages awarded — or any individual shall refuse to receive the sum awarded, such person or persons may either severally or by uniting together, make application to the Court of Common Pleas for the County of Washington for a jury to estimate the damages, and said jury shall be appointed in the manner prescribed by an act “intituled” an Act directing the method of laying out highways, and the said Court and jury shall have like powers & duties as courts and juries have on like applications for damages in laying out highways. *Provided*, that said application be made to the Court aforesaid, within one Year after notice is given to the applicants of the appraisement aforesaid.

Committee to lay out sluice-way, landing place, and passage way for loaded teams.

Penalty for injuring sluice-way.

SECT. 6. *Be it further enacted*, that if any person or persons shall wilfully, maliciously and contrary to law take up, remove or injure, any part of said Sluice way or its appurtenances, or any materials used or to be used in or about said works, or shall aid in any trespass against the same, he shall, for every such offence, forfeit and pay to the proprietors aforesaid treble such damages as said proprietors shall, to the Justice or Court and jury before whom the trial shall be, make appear that they have sustained by means of the same trespasses, to be sued for and recovered by said proprietors in any court proper to try the same by action of trespass.

Shares of delinquents to be sold.

SECT. 7. *Be it further enacted*, that the said Corporation shall have full power and authority to sell and dispose of the share or shares of any Proprietor who shall, according to the rules and regulations to be made by said Corporation, be delinquent in the payment of any assessment that may be made on said share or shares, conforming to such modes and rules as shall be established by said Corporation for the sale of shares of delinquents.

A toll-gatherer to be in constant attendance.

SECT. 8TH. *Be it further enacted* that there shall be a toll gatherer to attend said sluice, who shall, at all times of the day, during the season for removing lumber by sluicing, give constant attendance at a suitable station, and on the toll being paid shall immediately permit the owners of lumber to pass the same thro' the said Sluice way — *Provided always*, that after thirty years shall have expired from the first opening of said Sluice, the General Court may regulate the rate of toll from thence forward.

Time for building sluice-way limited.

SECT. 9TH. *Be it further Enacted*, that if the Proprietors aforesaid shall refuse or neglect for the space of two Years after the passing of this Act, to build and Compleat said Sluice way, so as to be passable in manner aforesaid, then this Act shall be void and of none effect.

*Approved March 14, 1806.*

## 1805. — Chapter 108.

[January Session, ch. 82.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT GRANTING A LOTTERY FOR THE PURPOSE OF COMPLEATING THE LOCKS AND CANALS, AT AMOSKEAG FALLS IN THE STATE OF NEW HAMPSHIRE."

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the*

*authority of the same*, that in addition to the sum of Ten thousand Dollars, directed to be raised by an Act, entitled, “An act granting a Lottery for the purpose of completing the Locks and Canals at Amoskeag Falls in the State of New Hampshire,” the further sum of Ten Thousand Dollars be raised by Lottery for the same purpose; and that his Excellency the Governor be, & he is hereby authorised to appoint three suitable persons to be managers of the said Lottery, whose business it shall be, from time to time, to make and publish such scheme or schemes, as shall, in their opinion, best promote the purposes of said Lottery, and for drawing said Lottery, and transacting the other business thereof.

Additional amount allowed to be raised.

SEC. 2D. *Be it further enacted*, that the said Managers to be appointed by the Governor, before they enter on the duties of their office, shall give separate bonds to the Treasurer of this Commonwealth, and his successors in said Office, each in the sum of Five thousand Dollars, with sufficient surety, each to be answerable for his Own default, and to pay over the nett proceeds of each Class of said Lottery, within sixty days after the drawing thereof shall be completed, to the agent or agents to be appointed by the third section of this Act; and the said managers before they enter upon the duties of their Office, shall severally take an Oath, for the faithful performance of their trust.

Managers to give bonds and to be sworn.

SEC. 3. *Be it further enacted*, that his Excellency the Governor be, and he is hereby authorised, to appoint one or more Agents, who shall be authorised to receive from the managers, the proceeds of the Lottery, and appropriate the same, to the completion of the Locks and Canals, and the dam, at the said Amoskeag Falls, for the purpose of turning the water into the said Canal; and the said Agent or Agents, shall, from time to time, when thereunto required by his Excellency the Governor, render an account of his or their proceedings in the premises.

Agents to be appointed to apply proceeds of lottery to the purposes intended.

SEC. 4. *Be it further enacted*, that this Act shall continue and be in force, for the term of three years, and no longer.

Act limited.

*Approved March 14, 1806.*

## 1805. — Chapter 109.

[January Session, ch. 83.]

AN ACT TO ESTABLISH A CORPORATION, BY THE NAME OF THE  
WRENTHAM & WALPOLE TURNPIKE CORPORATION.Persons incor-  
porated.

Corporate name.

Course of road.

Monies may be  
granted per-  
sons who have  
rendered ser-  
vices previous  
to the passing  
of this act.

SECT. 1. *Be it enacted by the Senate & House of Representatives, in General Court assembled, and by the authority of the same*, that David Gilmore, Moses Whitney, Beriah Brastow, Oliver Pond, Elias Bacon, David Fisher junior, John Whiting, David Fales, Benjamin Hawes, Nehemiah Tilson, Jairus Ware, and Jason Harts-horn, together with such persons as may hereafter associate with them and their successors & assigns, shall be a corporation, by the name of The Wrentham & Walpole Turnpike Corporation, for the purpose of making a Turnpike road, from the meeting house, in the first Parish in Wrentham, to the meeting house in Walpole, in the County of Norfolk, the said Turnpike road, to begin at said meeting house in Wrentham, and thence to run as nearly in a straight line, to the said Meeting house in Walpole, in the County of Norfolk, as a locating committee shall think will best accommodate the Public: and for this purpose, shall have all the powers and privileges, and be subject to all the duties, requirements, and penalties, contained in an Act, entitled, “An Act defining the general powers and duties of Turnpike Corporations,” passed the sixteenth day of March, in the Year of our Lord One thousand eight hundred & five.

SECTION 2. *Be it further enacted* that said Corporation is hereby allowed to grant monies, to such persons as have rendered services to the Proprietors in exploring the rout of the Turnpike road, or otherwise, previous to this act of incorporation, or to such persons as have advanced monies to pay any expenses which may have accrued.

*Approved March 14, 1806.*

## 1805. — Chapter 110.

[January Session, ch. 84.]

AN ACT TO ESTABLISH THE SECOND BRUSH-HILL TURNPIKE  
CORPORATION.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by*

*the authority of the same*, that Isaac Davenport, Elijah Crane, and Jeremiah Smith Boies, and all such persons as now are, or may be associated with them and their successors; shall be a Corporation by the name and stile of the second Brush-Hill Turnpike Corporation, for the purpose of laying out, and making a Turnpike road, commencing at or near the termination, of the Brush-Hill Turnpike road in Roxbury, & running westerly of the dwelling house of Doctor Thomas Williams, in said Roxbury, & thence to Front Street in Boston, the whole to be laid out and made, as near as may be found practicable & convenient, in a straight line, from the commencement thereof in Roxbury, to the said Front Street in Boston, and to be located by a Committee, to be appointed, by the Court of Common Pleas, of the County of Norfolk, for that part which shall be in the said County, and the Selectmen of the town of Boston, for that part which shall be in the said town. And the same shall be laid out, on the marsh & flats, not less than sixty, nor more than one hundred feet wide, and the travelling path in that part thereof, within the town of Boston, shall not be less than forty feet in width; and on the upland not more than four, nor less than three rods in width, and the travelled path, shall no where, be less than thirty feet in width. And the earth which may be taken to make the said road, over said marsh & flats, shall all be taken, on the Easterly side of said travelled path. And the said Corporation shall put up and maintain lamps, at the distance of two hundred feet apart, on each side, from said Front Street, to the boundary line between Boston & Roxbury, which shall be well supplied with oil, and lighted in due seasons & kept burning untill midnight.

Persons incorporated.

Corporate name.

Course and dimensions of the road, &c.

SECTION 2. *Be it further enacted*, that the said Corporation, may purchase and hold land, over which they may make said road, and shall be holden to pay all damages, which may arise to any person, by taking his land therefor, when it cannot be obtained by voluntary agreement, to be estimated by a Committee to be appointed by the Court of Common Pleas, of the Counties of Suffolk & Norfolk, for that part of said road, which shall lie in said Counties respectively, saving to either party, the right of trial by Jury, according to the Law, which provides for the recovery of damages accruing, by laying out public high-ways. And the said Committees in each county,

Corporation may purchase and hold land and to be liable for damages where same is taken without agreement.\*

shall make a return of their doings in such County, to the next Court of Common Pleas, to be holden therein.

Toll established.

SECTION 3. *Be it further enacted*, that when the said road shall be sufficiently made, and shall be so allowed and approved, by a Committee appointed by the Courts of Common Pleas, of Suffolk and Norfolk respectively, the said Corporation shall be entitled to demand & receive, from each traveller and passenger, the following rates of toll, to wit. For every coach, chariot, pheaton, or other four wheel carriage drawn by two horses, twenty five cents; and if drawn by more than two horses, an additional sum of two cents for each additional horse; for every cart or waggon, drawn by two oxen or horses, ten cents; and if drawn by more than two oxen or horses, the additional sum of two cents, for each additional ox or horse; for every chaise or other carriage, drawn by one horse, twelve and one half cents; for every man and horse four cents; for every sled or sleigh, drawn by two oxen or horses six cents; and if drawn by more than two oxen or horses an additional sum of two cents, for each additional ox or horse; for every sled, sleigh, horse-cart or waggon, drawn by one horse, six cents each; for each wheelbarrow, hand-cart, or other vehicle capable of carrying like weight two cents; for all horses, mules, oxen, or neat cattle, led or driven, beside those in teams, one cent each; for all sheep or swine at the rate of four cents for each dozen. And the said Corporation is hereby authorised and directed, to erect two gates for collecting said toll, on any part, of said road, not within one mile of each other, either of which gates shall not be placed within the limits of the town of Boston, & shall demand & receive, not more than one half of the above toll at each gate. And when no toll gatherer shall be present at either of said gates to receive toll, the said gate or gates shall be left open, and passengers be permitted to pass freely. *Provided* that no gate shall be erected on any part of the old road.

Toll-gates.

Streets connecting with the road to be laid out by the selectmen of Boston or Roxbury.

SECTION 4. *Be it further enacted*, that the selectmen of the towns of Boston, or Roxbury, shall have a right to lay out streets, in their respective towns, from the main street over Boston neck, to the said Turnpike road; and the abutters on the said turnpike road shall have the privilege of passing to & from their lands, upon each side of said road, as though the said road was a public highway, and shall also have power, to fill up and raise the land,

upon the sides of said street, at any time hereafter for the purpose of a passage, from their lands abutting, to the travelled path of said road.

SECTION 5. *Be it further enacted*, that the said Corporation, shall make a good Bridge, over Roxbury Canal, with a sufficient draw, not less than twenty, nor exceeding thirty feet in width, for the passage of vessels, through which vessels & rafts, may freely pass, and the said draw to be raised without delay, except for pleasure boats. And the said Corporation shall lay or build sufficient drains or sluice ways, across said Turnpike road, to the satisfaction of the Selectmen of the town of Boston, in every place where the Cross streets, leading easterly from Washington Street, on Boston neck shall join or abutt upon said Turnpike road. *Provided* that the places for such drains, shall be pointed out by the said Selectmen, before the work shall be begun, in the place where they are to be laid.

Draw-bridge to be built over Roxbury Canal and drains to be laid for the streets in Boston connecting with the road.

SECTION 6. *Be it further enacted*, that when the said Corporation, shall have completed that part of the road hereby granted, extending from the commencement of the same to the County road near the dwelling house of the said Williams, to the acceptance of the aforesaid Committee, for the County of Norfolk, they shall have liberty to erect a gate, and to demand & receive half the above rates of toll, on the same, from all passengers, although the other part of the road hereby granted shall not have been completed.

Half toll may be collected before final completion of the road.

SECTION 7. *Be it further enacted*, that when the Selectmen of the town of Boston shall hereafter cut a canal from the Bay, on the Westerly side of Boston, to the bay on the Easterly side of the same, they shall have liberty to cut through said Turnpike road, they making a bridge over the same, with suitable abutments, which shall forever be kept in repair, at the expence of said town of Boston.

Town of Boston permitted to cut through road for a canal.

SECTION 8. *Be it further enacted*, that the said Corporation shall be entitled to all & singular the powers and provisions, and shall be subject to all the limitations, and restrictions, which are particularly delineated for the government and organization of Turnpike Corporations, in an act, entitled — “An act defining the general powers & duties of turnpike Corporations,” passed the sixteenth day of March, in the year of Our Lord, One thousand, eight hundred & five, except where the same are controuled by the provisions of this act.

Corporation to be subject to the general act concerning turnpike corporations.

*Approved March 14, 1806.*

## 1805. — Chapter 111.

[January Session, ch. 85.]

AN ACT DIRECTING THE MODE & TIME OF MAKING THE RETURNS OF THE STATE OF THE SEVERAL INCORPORATED BANKS IN THIS COMMONWEALTH TO HIS EXCELLENCY THE GOVERNOR AND THE HONORABLE COUNCIL.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same;* That from and after the passing of this Act the directors of the several Banks incorporated within this Commonwealth shall, on the first Monday of January & June in every Year, make a return of the state of their several Banks, as it existed on the day immediately preceeding the Monday aforesaid, into the Secretarys Office; which return shall specify the amount of the Capital Stock actually paid in, the value of the real estate belonging to the corporation, amount of Debts on interest, other debts not on interest, cash deposited, bills in circulation, Gold, Silver and other coined Metals on hand, bills of other Banks within the State, bills of other banks without the State, Bills of One, two & three dollars in circulation, and the amount of said bills on hand, which said returns shall be signed by a Majority of the Directors, and by the Cashier of the several Banks, who shall make Oath or affirmation before some Magistrate qualified to administer Oaths, and who shall have no interest in said Corporate Body, to the truth of said return, according to their best knowledge and belief.

Semi-annual  
returns to be  
made.

Parts of former  
acts repealed.

SECT. 2D. *Be it further enacted,* that all such parts of the existing Laws of this Commonwealth as relate to the mode and time of making returns of the State of the several Banks incorporated by the Legislature of this Commonwealth be, and they are hereby repealed.

*Approved March 14, 1806.*

## 1805. — Chapter 112.

[January Session, ch. 86.]

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT DIRECTORS AND COMPANY OF THE PENOBSCOT BANK.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the*



*authority of the same*, that John Crosby, Caleb Brooks Hall, John Lee, Stephen Peabody, Samuel E. Dutton, Joseph Lee, Asa Peabody, John Benson, Jonathan H. Brown, Josiah Hook, Allen Gilman, Samuel Lee, Robert Treat, Daniel Livermore, Mason Shaw, Thomas S. Sparhawk, Martin Kinsley, and their associates, successors and assigns, shall be, and hereby are created and made a Corporation by the name of The President Directors & Company of the Penobscot Bank, and shall so continue from the twentieth day of March instant until the first Monday of October which will be in the year of our Lord one thousand eight hundred and twelve; and by that name shall be, and hereby are made capable in law to sue and be sued, plead and be impleaded, to defend and be defended, in any Court of Record, or any other place whatsoever, and also to make and have a common seal, and to ordain, establish and put in execution, such bye laws, ordinances and regulations as to them shall appear necessary and convenient for the government of the said Corporation, and for the prudent management of their affairs:—*Provided* such bye laws, ordinances and regulations shall in no wise be contrary to the Constitution and Laws of this Commonwealth; and the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

Persons incorporated.

Corporate name.

SECTION 2. *Be it further enacted*, that the capital Stock of the said Corporation shall consist of the sum of One hundred and fifty thousand dollars, in gold, silver and other coined metals, to be divided into shares of one hundred dollars each; and the sum of Seventy five thousand dollars shall be paid in gold, silver or other coined metals on or before the sixteenth day of June in the year of our Lord one thousand eight hundred and six, and the remaining sum of Seventy five thousand dollars at such time, on or before the first day of June, A.D. one thousand eight hundred and eight, as shall be appointed by the President and Directors of said Bank, by public notice thereof published in any newspaper printed in the County of Hancock, also in one of the newspapers published in Portland, two months, at least, previous to the time appointed for the payment aforesaid. And the Stockholders, at their first meeting, shall, by a majority of votes, determine the amount of payments to be made on each share, also the mode of transferring and disposing of the

Amount of capital; number of shares; period for the payment of instalments; amount of real estate allowed to be held, &c.

Stock, and the profits thereof, which being entered on the Books of said Corporation, shall be binding on the Stockholders, their successors and assigns: *Provided*, that no money shall be loaned on discount, nor shall any bills or promissory notes be issued from said Bank, untill the Capital actually paid in and existing in gold, silver or other coined metals in their vaults, shall amount to Seventy five thousand dollars. And the said Corporation are hereby made capable in Law to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors and assigns, lands, rents, tenements and hereditaments, to an amount not exceeding fifteen thousand dollars, at any one time, with power to sell and dispose of the same lands, tenements and hereditaments, and to loan and negotiate their money and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided however*, that nothing herein contained shall restrain or prevent the said Corporation from taking and holding real estate to any amount by mortgage or execution, when taken as collateral security for the payment of any debt due, or in satisfaction of any judgment recovered by said Corporation, subject to such forfeiture and right of redemption as is by law provided.

Rules, regulations, &c.

SECTION 3. *Be it further enacted*, that the following rules, regulations, limitations and provisions shall form and be the fundamental articles of the said Corporation.

Limitation as to amount of bills and loans.

First. That the said Corporation shall not issue and have in circulation, at any one time, bills, notes or obligations to a greater amount than twice their stock actually paid in; nor shall there be due to the said Bank at any one time more than twice the amount as aforesaid; and in case of any excess, the Directors, under whose administration it may happen, shall be liable for the payment of the same in their private capacity; but this shall not be construed to exempt the said Corporation, or any estate real or personal which they may hold as a body Corporate, from being liable for and chargeable with such excess.

Corporation not to use their property in trade.

Second. The said Corporation shall not vest, use or improve any of the monies, chattels or effects, in trade or commerce, but may sell all kinds of personal pledges, lodged in their hands by way of security, to an amount sufficient to reimburse the sum loaned.

Amount of real estate limited.

Third. That the lands, tenements or hereditaments which the said Corporation shall hold, shall be only such

as shall be requisite for the convenient transaction of their business.

Fourth. None but a member of said Corporation, being a Citizen of this Commonwealth, and resident therein, shall be eligible for a Director; and the Directors shall choose one out of their own number for President; and the Cashier before he enters on the duties of his office shall give bond, with two sureties, to the satisfaction of the Directors, in a sum not less than Ten thousand dollars, with conditions for the faithful discharge of the duties of his office.

Stockholders only eligible for directors.

Fifth. No Director of any other Bank shall be eligible to the office of a Director of this Bank, although he may be a Stockholder therein; and any Director accepting any office, in any other Bank shall be deemed to have vacated his place in this Bank.

Directors of other banks ineligible.

Sixth. That for the well ordering the affairs of the said Corporation a meeting of the Stockholders shall be held, at such place as they shall direct, on the third Monday next after the fourth Tuesday of May annually, and at any other time, during the continuance of the said Corporation, and at such place as shall be appointed by the President and Directors for the time being, by public notification thereof, by advertising the same in any newspaper printed in the County of Hancock, or in the Town of Portland, three weeks, at least, before the time appointed for said meeting; at which said annual meeting there shall be chosen, by ballot, seven Directors, to continue in office during the year ensuing their election, and untill another choice of Directors shall be made. And the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the following proportion, that is to say for one share, one vote, and every two shares above one, shall give a right to one vote more: *Provided* no one member shall have more than ten votes, and absent members may vote by proxy, being authorized in writing.

Annual meetings.

Seventh. No Director shall be entitled to any emolument for his services, but the Stockholders may make the President such compensation, as to them shall appear reasonable.

President to receive compensation.

Eighth. Not less than four directors shall constitute a Board for the transaction of business of which the President shall always be one, except in case of sickness or

Board of directors.

necessary absence, in which case the Directors present may choose a Chairman for the time being in his stead.

Issue of small bills limited.

Ninth. All bills issued from the Bank aforesaid, and signed by the President, shall be binding on the Corporation, but it shall not be lawful for them to issue any bills of a less denomination than five dollars, to a greater amount than five per cent on their stock.

Semi annual dividends to be made.

Tenth. The directors shall make half yearly dividends of all the profits, rents, premiums and interest of the Bank aforesaid.

Officers.

Eleventh. The directors shall have power to appoint a Cashier, and such Clerks and other officers, for carrying on the business of said Bank, with such salaries, as to them shall seem meet.

Location of bank.

SECTION 4. *Be it further enacted*, that the said Bank shall be established and kept in the Town of Buckstown, in the County of Hancock, or at such other place in said County as the Stockholders, at their first meeting, shall determine.

Money to be loaned Commonwealth if required.

SECTION 5. *Be it further enacted*, that whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money, not exceeding ten thousand dollars, reimburseable at five annual instalments or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however* that the Commonwealth shall never, at any one time, stand indebted to said Corporation, without their consent, for a larger sum than ten thousand dollars.

Legislative committee may examine books, &c.

SECTION 6. *Be it further enacted*, that any Committee, specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of the said Corporation, and shall have free access to all their books and vaults; and if, upon such examination, it shall be found, and after a full hearing of the said Corporation thereon, be determined by the Legislature, that the said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions and conditions in this act provided, their incorporation shall thereupon be declared forfeited and void.

No discounts to be made till evidence is given that the first instalment has been paid.

SECTION 7. *Be it further enacted*, that no discount shall be made, at said Bank, until the Directors & Company aforesaid shall have produced satisfactory evidence to the Governor and Council that the first mention[e]d

Seventy five thousand dollars of the Capital Stock has been paid in and actually exists, in gold or silver or other coined metals, in their vaults.

SECTION 8. *Be it further enacted* that the said Corporation shall be holden to pay a premium of fifty dollars to every person who shall prosecute, to conviction, in any Court having jurisdiction thereof, any person or persons who shall counterfeit or alter the bills of said Bank.

Premium to be paid for conviction of counterfeiters.

SECTION 9. *Be it further enacted*, that all the bills or notes issued from said Bank shall be printed and made from Stereotype plates.

Bills to be printed on stereotype plates.

SECTION 10. *Be it further enacted*, that the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said Corporation, as soon as may be, at such time and place as they may see fit, by advertising the same in any paper in the Town of Portland three weeks before said meeting, for the purpose of making, ordaining, and establishing, such bye-laws, ordinances, and regulations, for the orderly conducting the affairs of the said Corporation, as the stockholders shall deem necessary, and for the choice of the first board of Directors and such other officers as they shall see fit to choose.

First meeting.

SECTION 11. *Be it further enacted*, that it shall be the duty of the Directors of the said Bank, to transmit to the Governor and Council of this Commonwealth, for the time being, once in six months at least, and as much oftener as they may require, accurate and just statements of the amount of the Capital Stock of said Corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold silver, and other coined metals, and the bills of other Banks on hand; which statement shall be signed by the Directors and attested by the Cashier.

Semi-annual statements to be made.

SECTION 12. *Be it further enacted*, that this Commonwealth shall have a right, whenever the Government thereof shall make provision by law, to subscribe and become interested in the Capital stock of said Bank, in a sum not exceeding thirty thousand dollars, in such way and manner, as the Government may judge most for the honour & interest of the Commonwealth, subject to the rules, regulations and provisions to be by them made and established.

Commonwealth may subscribe to capital stock.

SECTION 13. *Be it further enacted*, that the said Corporation shall be liable to pay to any bona fide holder the

Original amount of altered bills to be paid.

original amount of any note of said Bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration.

Bank liable to  
be taxed.

SECTION 14. *Be it further enacted*, that nothing contained in this act shall be construed to prevent the Legislature from taxing the said Bank at any time hereafter, whenever they shall judge it expedient.

Loans to be  
made for the  
benefit of the  
agricultural  
interest.

SECTION 15. *Be it further enacted*, that one eighth part of the whole funds of said Bank, shall always be appropriated to loans to be made to Citizens of this Commonwealth, and wherein the Directors shall wholly & exclusively regard the agricultural interest, which loans shall be made in sums, not more than five hundred dollars, nor less than one hundred dollars, and upon the personal bond of the borrower, with collateral security by sufficient mortgage of real estate, for a term not less than one year, and on condition of paying the interest annually, on such loans, subject to such forfeiture, and right of redemption, as by law provided.

*Approved March 14, 1806.*

### 1805.—CHAPTER 113.

[January Session, ch. 87.]

AN ACT PROVIDING FOR THE REGULATION OF THE STATE PRISON IN CHARLESTOWN.

Convicts sen-  
tenced to hard  
labor to be con-  
fined in the  
state prison.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that Criminals convict, who have been sentenced to confinement to hard labor for terms not yet expired, or who shall hereafter be sentenced to confinement to hard labor for life, or to solitary imprisonment, and also to confinement to hard labor, for any term, shall and may be imprisoned, restrained and employed in and within the precincts of the State Prison, situate in Charlestown, in the County of Middlesex. And the Supreme Judicial Court are hereby authorized and empowered, by warrant under their seal, directed to such officer or officers as they may think proper, requiring them to remove such convict or convicts as aforesaid from any Gaol in any County in this Commonwealth, to the State Prison aforesaid, and all officers, keepers of said Prison, and keepers of the several Gaols in the Commonwealth, are hereby required to do & perform, all such

duties & services, as may be set forth by such warrant, and the accounts of said officers, for performing said services, shall be liquidated and paid in such manner, as the Governor, with the advice of Council, shall direct. *Provided*, that the Justices of the Supreme Judicial Court, on any conviction before them, at their discretion, may direct any sentence of confinement to hard labor, being for a less term than one year, to be enforced, inflicted and fulfilled in the prison of the County in which such conviction may be had.

SEC. 2D. *Be it further enacted*, That the keeper of said Prison shall receive all such persons, convicted before the Circuit Court of the United States, at any term of said Court in this Commonwealth, as may be sentenced by said Court, to confinement and hard labor, for any term of time, and safely keep such convicts until they shall be discharged by due course of the Laws of the United States.

Persons convicted before the U. S. Circuit Court to be confined in the state prison.

SEC. 3D. *Be it further enacted*, That the Governor, by and with the advice & consent of the Council, shall have authority to appoint and remove, at pleasure, a Physician, Chaplain and board of Visitors, an Agent or Superintendant, and such other officers, assistants & servants, as shall and may appear to be fit and necessary for the government, employment and regulation of said convicts; and to establish their pay, and vest them with such authority and powers, as may be necessary to carry the design of this Act into full effect, and to make and establish such rules, regulations and bye-laws as may, in his opinion, with advice aforesaid, be fit and proper for the due management & government of said Convicts; *provided* the same be not repugnant to the Constitution & Laws of this Commonwealth; And also, through the agency of the officers aforesaid, to furnish & provide for said Convicts such food, fuel, cloathing and all matters and things, as shall or may, in his opinion, be necessary for the sustenance, employment accomodation and security of said Convicts, and to vend and dispose of all articles by them manufactured, and to cause a copy of the rules, regulations, and bye-laws, and a fair statement of all the accounts, expences, disbursements and business of said prison to be laid before the General Court at their Session holden first after the month of December annually.

Governor and Council authorized to appoint officers, establish rules, &c.

Governor to draw warrants on the treasury for purposes authorized under this act.

SEC. 4TH. *Be it further enacted*, that the Governor, by and with the advice and consent of the Council, be, and he is hereby authorized to draw his warrant upon the Treasurer of this Commonwealth, in favor of such Agent or Superintendant as he may appoint as aforesaid, for such sum or sums of Money as he may deem fit and sufficient for the several purposes mentioned in this Act, not exceeding the sum of Ten thousand Dollars, the said Agent or Superintendant to be accountable for the expenditure of the same: And the superintendant shall give a Bond to the Commonwealth, in the sum of Twenty thousand Dollars, with sufficient surety to be approved by the Governor with advice of Council, and upon condition that said superintendant shall do, observe and perform all the duties incumbent on him as such Agent or Superintendant.

Military guard may be established.

SEC. 5TH. *Be it further enacted*, that the Governor, by & with the advice of the Council, be, and he is hereby authorized, whenever he may deem it necessary & expedient, to raise and employ a Military Guard for the safe keeping of the Convicts who are confined in the State Prison, said Guard to consist of such officer or officers, and such a number of privates, as his Excellency shall deem requisite for the same.

Punishment of a keeper who shall assist a convict to escape.

SEC. 6TH. *Be it further enacted*, that if any Keeper or assistant Keeper in the State Prison aforesaid, shall fraudulently contrive, procure, aid, connive at, or otherwise voluntarily suffer the escape of any convict therein committed, under sentence of confinement as aforesaid, such fraudulent keeper or assistant keeper, so offending, on due conviction thereof, in the Supreme Judicial Court, shall and may be punished by solitary confinement, for a term not exceeding one year, and by confinement to hard labour, for a term not exceeding twenty years, at the discretion of the Justices of the said Court before whom the conviction may be.

Punishment of a keeper who shall allow a convict to be improperly at large, etc.

SEC. 7TH. *Be it further enacted*, that if any keeper or assistant keeper employed as aforesaid, shall negligently suffer any convict, committed and in custody as aforesaid, under a sentence of solitary imprisonment, to be at large without the Cell or apartment assigned to such convict, or to be there visited, conversed with, comforted or relieved, contrary to the rules and regulations of said prison, and without the leave or approbation of the Visitors of the said prison, or some one of them; or shall



negligently suffer such Convict or any Convict there committed, under sentence of confinement to hard labour, to be at large without the precincts of the said prison, or contrary to the rules thereof to be out of close confinement, every such Keeper or assistant Keeper, so neglecting his duty in the premises, being thereof duly convicted in the Supreme Judicial Court, shall be punished by a fine not exceeding five hundred Dollars, and at the discretion of the said Court may be adjudged incapable of, and may be removed from any office or trust within the said Prison.

SEC. 8TH. *Be it further enacted*, that if any person shall forcibly or fraudulently rescue or attempt to rescue, any Convict from the custody of any officer or other person, authorized or employed by any warrant of commitment as aforesaid, or from the said State Prison; or from any other prison or Gaol where such convict may be lawfully committed pursuant to any sentence of solitary imprisonment or confinement to hard labour; or shall convey to any convict in custody or committed as aforesaid, or into said State Prison, or any other prison, any tool, instrument, weapon or other aid, with intent to enable such convict to escape, or to procure the escape of any convict, whether such escape be effected or not, every person so offending, being duly convicted thereof before the Supreme Judicial Court, shall and may be punished by solitary imprisonment, not exceeding one year, and by confinement to hard labour not exceeding ten years; or at the discretion of the said Court, may be punished by a fine not exceeding five hundred dollars, and by binding to the good behaviour for a term not exceeding three years, according to the nature and aggravation of the offence.

Punishment for rescuing a convict or assisting him to escape.

SEC. 9TH. *Be it further enacted*, that if any Convict, committed to the said State Prison, under sentence of confinement to hard labour during life, shall assault any inspector, keeper or assistant keeper of the said prison, or other person employed in the Government thereof, or shall forcibly attempt to break from the said prison, every such Convict so offending, upon due conviction before the Supreme Judicial Court, shall and may be punished by whipping to be inflicted within the precincts of the said prison, at one or more, not exceeding three distinct times, and not exceeding thirty lashes, at each time, and by solitary imprisonment not exceeding one year, and shall

Punishment of a life convict for assaulting a keeper, &c.

be afterwards there holden in custody upon such former sentence; And every person being under confinement as aforesaid, who shall escape from said prison, shall, for every such offence, be further sentenced to solitary imprisonment for a term not exceeding twelve months.

Punishment of a limited time convict for assaulting a keeper, &c.

SEC. 10TH. *Be it further enacted*, that if any convict committed to said State Prison, under sentence for a limited time shall assault any inspector, keeper, assistant keeper or other person employed in the direction or custody of said State Prison, or shall attempt by violence to escape therefrom, every such convict, so further offending, upon due conviction thereof before the Supreme Judicial Court, shall and may be punished by solitary imprisonment not exceeding one year, in addition to any former like sentence, or to precede the fulfillment of any former sentence to hard labour, as the case may be; and at the discretion of the said Court may be further punished by confinement to hard labour for a term not exceeding ten years, to commence after such solitary imprisonment, or after any former sentence shall be fulfilled as the case may be.

State prison to be considered as within the counties of Suffolk and Middlesex in all judicial proceedings.

SEC. 11TH. *Be it further enacted*, that respecting all Crimes and offences which may be committed in the State Prison aforesaid and the precincts thereof the said Prison and precincts shall, in all judicial proceedings, be deemed and taken to be as well within the County of Suffolk, as within the County of Middlesex; and the several Sheriffs, Coroners, deputy Sheriffs and other Civil officers, of the same Counties respectively shall have concurrent authority in said prison & the precincts thereof, respecting all crimes & offences therein committed.

*Approved March 14, 1806.*

## 1805. — Chapter 114.

[January Session, ch. 88.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT FOR REGULATING AND GOVERNING THE MILITIA OF THE COMMONWEALTH OF MASSACHUSETTS, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE," EXCEPTING AN ACT, ENTITLED, "AN ACT FOR ESTABLISHING RULES AND ARTICLES, FOR GOVERNING THE TROOPS STATIONED IN THE FORTS AND GARRISONS WITHIN THIS COMMONWEALTH, AND ALSO THE MILITIA, WHEN CALLED INTO ACTUAL SERVICE."

SECT. 1. *Be it enacted, by the Senate and House of Representatives in General Court assembled, and by the*

*authority of the same*, That it shall be the duty of the Adjutant General of the Militia of this Commonwealth, to make a return of the Militia, with their Arms, accoutrements and ammunition to the President of the United States annually, on or before the first Monday in January, in each year; and so far as respects the forms of the said returns, it shall be his duty to conform to such directions, as he shall from time to time receive from the Secretary at War.

Adjutant-General to make an annual return of the militia, with their arms, &c. to the President.

SECT. 2. *Be it further enacted*, That every Citizen duly enrolled in the Militia shall be constantly provided with Arms, accoutrements and ammunition, agreeably to the directions of an Act which passed the twenty second day of June, in the year of our Lord one thousand seven hundred and ninety three, for regulating and governing the Militia of this Commonwealth, from and after the time when he shall be duly notified of his enrollment, and any notice or warning to the Citizens so enrolled to attend a Company, Battallion or Regimental muster or training, shall be deemed a legal notice of his enrollment, and he shall be holden to attend accordingly.

Enrolled citizens to be constantly provided with arms, &c. after notification of enrollment.

SECT. 3. *Be it further enacted*, That to each Brigade, there shall be one Quarter Master of Brigade who shall be appointed by the Brigadier General, with the rank of Major, and to each Regiment one Chaplain, who shall be appointed by the Lieutenant Colonel Commandant of the Regiment, & the Brigade Quarter Master, & Chaplains, being so appointed shall be commissioned as such by the Governor: and the Quarter Master General of the Commonwealth shall have the rank of Brigadier General; and the Commander in Chief is hereby authorised to Commission him accordingly.

Brigade Quarter Masters and Chaplains of regiments to be appointed.

SECT. 4. *Be it further enacted*, That it shall be lawful for the Lieutenant Colonel Commandant, or Commanding Officer of each Regiment or Corps to reduce any Serjeant or Clerk of his Regiment or Corps to the Ranks for disobedience of orders, neglect of duty, or any unmilitary conduct, by and with the advice of the Captain or commanding Officer of the Company to which such non-commissioned Officer belongs, first giving notice thereof to the Serjeant or Clerk as the case may be.

Sergeants or clerks may be reduced to the ranks.

SECT. 5. *Be it further enacted*, That it shall be the duty of the Adjutant General to furnish blank warrants for the Captains of the Militia to order their non-commissioned Officers or privates to warn their Soldiers to attend all the

Blank warrants and notifications to be provided.

trainings and reviews, which shall be ordered; likewise blank notifications for that purpose, and that he prepare the shortest and most correct forms of such warrants, and notifications, accordingly, and it shall not be necessary, that seals should be affixed to said Warrants.

Penalties for neglecting to attend battalion, regimental, or company musters, &c.

SECT. 6. *Be it further enacted*, That at all Battalion and Regimental reviews or musters each non-commissioned Officer and Soldier, who being duly warned, shall unnecessarily neglect to appear at the time and place appointed, armed and equipped, according to the Act, described in the second Section of this Act, shall in lieu of the fines now provided by law, pay as a fine, for each default the sum of four Dollars, and at each company review or muster, for each default, the sum of two Dollars, to be recovered in the same manner as fines are made recoverable by the act described in the second Section of this Act as aforesaid. And each non-commissioned Officer and Soldier belonging to any Troop of Cavalry, Company of Artillery, or light Infantry, or any other Company raised at large, who shall appear at any Company, Regimental, Brigade, or any other muster or review, without the uniform dress of the Company to which he belongs, when ordered thereto, shall pay a fine of two Dollars for such neglect, to be recovered in the same manner as fines for non-appearance, are recovered.

Justices appointed and qualified to keep the peace exempted from military duty.

SECT. 7. *Be it further enacted* that the clause in the Act described in the second section of this Act which provides that those who have received a Commission to keep the peace and are qualified to Act in that Office “shall be exempted from doing Military duty” in future shall be so construed as to exempt none but Justices appointed to keep the peace and qualified to Act in that Office.

Privates may be ordered to warn the company.

SECT. 8. *Be it further enacted* that whenever the Captain or Commanding Officer of a Company shall think proper, he may direct his Orders to the privates therein as well as the non Commission'd Officers of such Company requiring them to warn the same; and if either of them so ordered, shall neglect to give the said notice or warning he shall pay the same fine, to be recovered in the same manner as is provided for a similar offence in the second section of the additional Act, passed the fourth day of March, in the year of Our Lord, One thousand and eight hundred.

Soldiers may be discharged from companies of

SECT. 9. *Be it further enacted*, that each Brigadier General or Commanding Officer of the Brigade shall be

authorised upon application of the Commanding Officer of any troop of Cavalry Company of Artillery or light infantry to discharge any noncommissioned Officer or Soldier from any such Troop of Cavalry, Company of Artillery, or Light Infantry & after being so discharged he shall be enrolled in the Company of Militia where he may reside & such non commissioned Officer shall be considered as reduced to the ranks.

cavalry, artillery, and light infantry.

SECT. 10. *Be it further enacted*, that in each Brigade, where four Companies of Cavalry or Artillery have been or hereafter shall be established, they shall be formed into a Battalion, & shall be intitled to a Lieutenant Colonel, & one Major.

Four companies of cavalry or artillery in a brigade to constitute a battalion, &c.

SECT. 11. *Be it further enacted*, that in each Division a Judge Advocate shall be recommended by the Major General & if approved by the Commander in Chief commissioned by him, whose duty it shall be to attend all Courts Martial within the Division, whether Ordered by the Commander in Chief or the Major General of the Division, and they shall be Commissioned with rank of Major. *provided nevertheless* it shall be in the power of the Commander in Chief or the Major General to appoint a Judge advocate pro tempore to any particular Court Martial appointed to be holden, in case of inability of the Division Judge advocate or in case of any legal impediment to his Acting.

Judge Advocate to be appointed.

SECT. 12. *Be it further enacted*, that the Commander in Chief shall be entitled to four Aid de Camps, who shall be appointed by himself and Commissioned with the rank of Lieutenant Colonel.

Four Aid-de-Camps to the Commander-in-Chief to be appointed.

SECT. 13. *Be it further enacted*, that it shall be the duty of an Officer, appointing a Court Martial to appoint a Marshal to attend the same and every Court Martial duly appointed shall be authorised to preserve order during their Session and if any person or persons, in presence of such Court Martial, shall behave in a disorderly manner & create a tumult & disturbance to such Court Martial; and shall not upon the request of the marshal of such Court Martial desist therefrom, it shall be lawful for the said Court Martial, to confine such disorderly person or persons for a space of time, not exceeding eight hours unless said Court Martial shall sooner adjourn or be dissolved.

Marshals to be appointed to attend Courts-Martial.

*Approved March 14, 1806.*

## 1805. — Chapter 115.

[January Session, ch. 89.]

AN ACT FOR RAISING THE SUM OF THIRTY THOUSAND DOLLARS, FOR THE USE OF THE UNIVERSITY AT CAMBRIDGE.

Preamble.

*Whereas the Corporation of Harvard College, have represented to this Court, that the proceeds of the Lottery granted for the use of the University, by an Act passed June 14th 1794 were insufficient for the purpose intended, and that great and expensive repairs have become necessary to be made on Massachusetts Hall, for which they have not funds to provide:*

Lottery authorized.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the sum of Thirty thousand dollars be raised by Lottery, for the purpose of replacing to the funds of said University, the sum taken therefrom for erecting the new building called Stoughton Hall, and for the purpose of repairing Massachusetts Hall, or erecting a new building on its scite, if in the opinion of the Corporation it should appear most adviseable to erect such new building, rather than to make the repairs above-mentioned.

Appointment of managers.

SECT. 2D. *Be it further enacted,* That the President and Fellows of said University be and hereby are authorized and empowered to appoint three or more Managers of said Lottery, at their discretion, who shall be sworn to the faithful performance of their trust, and shall give such security as the said President and Fellows shall require, for the faithful performance of their duty and the payment of the proceeds of said Lottery to the Treasury of said University, deducting all necessary expenses of management, and such compensation for their services, as the said President and Fellows shall agree to allow.

Managers to publish schemes, &c.

SECT. 3D. *Be it further enacted,* That the Managers of said Lottery to be appointed as aforesaid, shall be empowered to raise the sum aforesaid, by Lottery as aforesaid under the direction of the said President and Fellows, in one or more classes, and they shall publish schemes of the several classes in said Lottery, in such public Newspapers, as they shall think proper; and all prizes which may be drawn in said Lottery shall be paid according to the terms and conditions of such scheme or schemes, which

may be published as aforesaid: And all prizes not demanded within the time stipulated in the scheme or schemes to be published, shall, together with the nett proceeds of said Lottery, be appropriated to the purposes aforesaid.

*Approved March 14, 1806.*

### 1805. — Chapter 116.

[January Session, ch. 90.]

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT FOR ENLARGING THE JURISDICTION OF THE COURTS OF COMMON PLEAS AND OTHER PURPOSES."

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever there shall be a vacancy in the Office of Chief Justice of the Court of Common Pleas in any County where a Chief Justice has before been appointed pursuant to an Act entitled, "An Act for enlarging the Jurisdiction of the Courts of Common Pleas and other purposes" such vacancy shall be filled up by the appointment of a Chief Justice of said Court who shall have all the powers and authority necessary & incident to that Office, with all the perquisites thereof, any thing in said Act to the Contrary notwithstanding.

*Approved March 14, 1806.*

### 1805. — Chapter 117.

[January Session, ch. 91.]

AN ACT TO ALTER THE NAMES OF CERTAIN PERSONS THEREIN MENTIONED.

*Be it enacted, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, John O'Neil, Junior, of Madison, in the County of Kennebeck, shall be allowed to take the name of John Neil; — James O'Neil, of said Madison, shall be allowed to take the name of James Neil; Samuel O'Neil, of Noridgewalk, in said County, shall be allowed to take the name of Samuel Neil; Benjamin Pickman, son of the Hon'ble Benjamin Pickman, Jun. of Salem, in the County of Essex, shall be allowed to take the name of Benjamin Toppan Pickman; Stephen Webb, son of Stephen Webb, of said Salem, shall be allowed to take the name of Stephen

Names changed.

Palfrey Webb; William Richardson, of said Salem, shall be allowed to take the name of William Putnam Richardson; James Griffin, of said Salem, shall be allowed to take the name of Jonathan Griffin; John Edmands, the third, of Charlestown, in the County of Middlesex, shall be allowed to take the name of John Davis Edmands; Samuel Coolidge, of Boston, in the County of Suffolk, shall be allowed to take the name of Samuel Frederick Coolidge; Andrew Campbell Moses, of said Boston, shall be allowed to take the name of Andrew Campbell Jones; Benjamin Homer, of said Boston, shall be allowed to take the name of Benjamin Parrot Homer; William Hunt, of Boston, shall be allowed to take the name of William Chamberlain Hunt; Job Prince, of said Boston, shall be allowed to take the name of Thomas J. Prince; Judith Parsons, daughter of Theophilus Parsons, of said Boston, Esquire, shall be allowed to take the name of Mary Judith Parsons; John Winslow, Junior, of said Boston, shall be allowed to take the name of John D. Winslow; Joseph Neals How, of said Boston, shall be allowed to take the name of Joseph Neals Howe; Thomas Wales, of said Boston, shall be allowed to take the name of Thomas B. Wales; Francis Thayer, of Braintree, in the County of Norfolk, shall be allowed to take the name of Ebenezer Francis Thayer; Obed Broadbrooks, of Harwich, in the County of Barnstable, shall be allowed to take the name of Obed Brooks; Ebenezer Broadbrooks, of said Harwich, shall be allowed to take the name of Ebenezer Brooks; and the minor children of said Ebenezer Broadbrooks — to wit — Asenath, Jameson, Lucy, Ebenezer, Seth, and Sabra, shall respectively take the surname of Brooks, instead of Broadbrooks; and John Green, of Eastport, in the County of Washington, shall be allowed to take the name of John LeBaron Green. And each of the persons before named shall, in future, be respectively known and called by the names they are severally allowed to take as aforesaid, and the same shall be considered as their only proper names to all intents and purposes.

*Approved March 14, 1806.*



1805.—Chapter 118.

[January Session, ch. 92.]

AN ACT TO ESTABLISH AN ACADEMY AT CONCORD, IN THE COUNTY OF MIDDLESEX.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That an Academy exclusively for the instruction of females, in learning, virtue, and religion, be, and hereby is established at Concord, in the County of Middlesex, by the name of The Middlesex Female Academy.

Academy established.

SEC. 2. *Be it further enacted,* That the Hon'ble Timothy Bigelow, of Groton, Rev'd Moses Adams, of Acton, Rev'd Charles Stearnes, of Lincoln, Hon'ble Artemas Ward, and Joseph Hurd, Esqrs. of Charlestown, Rev'd William Emerson, of Boston, Rev'd Ezra Ripley, Doctr. Isaac Hurd, Tilly Merrick Esqr. Deacon John White, Mr. Jonas Lee, Lieutt. Charles Hammond, and Thomas Heald, Esqr. of Concord, be, and hereby are constituted a body corporate, by the name of The Trustees of the Middlesex Female Academy; and they and their successors, shall continue a Corporation by that name forever, with power to have a common seal, to contract, to sue or be sued, and prosecute or defend suits, by their Agent or Agents, appointed for that purpose, to take, hold, and improve, any estate real or personal, and the same to lease, exchange, or sell & convey, for the benefit of the said Academy, by deed or deeds duly executed by their Treasurer, or other Officer or Agent, being thereunto authorised by the said Corporation: *Provided,* that the annual income of the whole estate of the said Corporation, shall not exceed five thousand dollars.

Trustees incorporated.

Corporate name.

SEC. 3. *Be it further enacted,* That the said Trustees shall have power, from time to time, to appoint a Clerk, who shall be under Oath, and a Treasurer who shall give bond, for the faithful discharge of his trust, and such other officers, and such Instructors and Governors of the said Academy, as the Trustees may judge needful and proper; and also to determine the times and places of their meetings, the mode of warning the same, of electing Officers and Trustees, and of transacting all other business; and to ordain necessary and reasonable orders, regulations and

Officers; rules, regulations, &c.

bye-laws, for the instruction and government of the said Academy, not repugnant to the Constitution and Laws of this Commonwealth.

Trustees to be  
elected to fill  
vacancies.

SEC. 4. *Be it further enacted*, That whenever any of the said Trustees shall die, or resign, or by age, infirmity, or otherwise become incapable of discharging the said trust, in the judgment of the major part of the said Trustees, the survivors may fill such vacancy, by electing a successor.

Number of  
trustees lim-  
ited.

SEC. 5. *Be it further enacted*, That the number of the said Trustees shall not, at any one time, be more than fifteen, nor less than nine ; eight of whom shall constitu[t]e a quorum for the transaction of business ; and all questions shall be decided by the Votes of a major part of the Trustees present ; and in case of an equal division, by the casting vote of the presiding Trustee.

First meeting.

SEC. 6. *Be it further enacted*, That the Rev'd. Ezra Ripley be, and he hereby is authorised to appoint the time and place, and purposes of the first meeting of the said Trustees, and give them notice thereof.

*Approved March 14, 1806.*

## 1805. — Chapter 119.

[January Session.]

AN ACT TO APPORTION AND ASSESS A TAX OF ONE HUNDRED & THIRTY THREE THOUSAND, THREE HUNDRED, & TWO DOLLARS, & FIFTY TWO CENTS, AND PROVIDING FOR THE REIMBURSEMENT OF TWENTY SIX THOUSAND & SEVENTY EIGHT DOLLARS, PAID OUT OF THE PUBLIC TREASURY TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES, FOR THEIR ATTENDANCE AT THE TWO LAST SESSIONS OF THE GENERAL COURT.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, that each town, district, plantation, and other place, herein after named, with[in] this Commonwealth, shall be assessed and pay the several sums, with which they stand respectively charged, in the following Schedule, vizt.

## COUNTY OF SUFFOLK.

Towns.	Representatives' Pay.	Proportion of \$133,302 52	Total.
<i>BOSTON</i>	Dolla. Cts. 1264 0	Dolla. Cts. 16753 33	Dolla. Cts. 18017 33
<i>Chelsea</i>		210 66	210 66
	1264 0	16963 99	18227 99

## COUNTY OF ESSEX.

	Dolls.	Cts.	Dolls.	Cts.		Dolls.	Cts.
<i>Salem</i> . . . . .	376	0	5520	0	Five thousand, eight hundred & ninety six Dollars	5896	0
<i>Ipswich</i> . . . . .	198	0	800	0	Nine hundred & ninety eight Dollars	998	0
<i>Newbury</i> . . . . .	136	0	1102	66	One thousand, two hundred & thirty eight dollars & sixty six cents	1238	66
<i>Newburyport</i> . . . . .	410	0	3084	0	Three thousand, four hundred & ninety four Dollars	3494	0
<i>Lynn</i> . . . . .	93	56	554	66	Six hundred & forty eight Dollars & twenty two cents .	648	22
<i>Lynnfield</i> . . . . .	18	44	109	33	One hundred & twenty seven Dollars & seventy seven cents	127	77
<i>Gloucester</i> . . . . .	120	0	1044	0	One thousand, One hundred & sixty four Dollars	1164	0
<i>Rowley</i> . . . . .	116	0	426	66	Five hundred & forty two Dollars & sixty six cents	542	66
<i>Salisbury</i> . . . . .	120	0	425	33	Five hundred & forty five Dollars & thirty three cents	545	33
<i>Wenham</i> . . . . .			144	0	One hundred & forty four Dollars .	144	0
<i>Manchester</i> . . . . .			209	33	Two hundred & nine dollars & thirty three cents .	209	33
<i>Andover</i> . . . . .	150	0	790	66	Nine hundred & forty Dollars & sixty six cents .	940	66
<i>Haverhill</i> . . . . .	114	0	570	66	Six hundred & eighty four Dollars & sixty six cents	684	66
<i>Marblehead</i> . . . . .	190	0	1452	0	One thousand, Six hundred & forty two Dollars .	1642	0
<i>Topsfield</i> . . . . .			220	0	Two hundred & twenty Dollars .	220	0
<i>Amesbury</i> . . . . .	118	0	356	0	Four hundred and Seventy four Dollars	474	0

## COUNTY OF ESSEX — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$123,302 52	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Beverly</i>	198 0	1217 33	1415 33
<i>Bradford</i>	38 0	344 0	382 0
<i>Bazford</i>	104 0	281 33	385 33
<i>Melham</i>	38 0	290 66	328 66
<i>Middleton</i>		161 33	161 33
<i>Danvers</i>	156 0	818 66	974 66
<i>Hamilton</i>	8 0	213 33	221 33
	2702 0	20135 93	22837 93
			One thousand, four hundred & fifteen dollars & thirty three cents
			Three hundred and eighty two Dollars
			Three hundred and eighty five Dollars & thirty three cents
			Three hundred and twenty eight dollars & sixty six cents
			One hundred and Sixty One Dollars & thirty three cents
			Nine hundred and seventy four dollars & sixty six cents
			Two hundred and twenty one dollars & thirty three cents
			Twenty two thousand, eight hundred & thirty seven dollars & ninety three cents

## COUNTY OF MIDDLESEX.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Charlestown</i>	1028 0		1284 0
<i>Cambridge</i>	256 0		1087 33
<i>Medford</i>	302 0		469 33
<i>Malden</i>	120 0		421 33
<i>Watttown</i>	121 0		524 0
<i>Waltham</i>	116 0		482 66
<i>Newtown</i>	136 0		566 0
<i>Weston</i>	142 0		457 33
<i>Woburn</i>	144 0		394 0
<i>Stonham</i>	86 0		94 66
<i>Levington</i>	136 0		444 0
<i>Lincoln</i>	46 0		239 33
			One thousand two hundred and eighty four Dollars
			One thousand & eighty seven Dollars & thirty three cents
			Four hundred and sixty nine Dollars & thirty three cents
			Four hundred and twenty One Dollars
			Five hundred and twenty four Dollars
			Four hundred & eighty two Dollars & sixty six cents
			Five hundred & sixty six Dollars
			Four hundred and fifty seven Dollars & thirty three cents
			Three hundred and Ninety four Dollars
			Ninety four Dollars and sixty six cents
			Four hundred and forty four Dollars
			Two hundred & thirty nine Dollars & thirty three cents

<i>Sudbury</i>	134 0	296 0	Four hundred & thirty Dollars	430 0
<i>East Sudbury</i>	96 0	222 66	Three hundred and eighteen Dollars & sixty six cents	318 66
<i>Framingham</i>		378 66	Three hundred & seventy eight Dollars & sixty six cents	378 66
<i>Natick</i>		158 66	One hundred & fifty eight Dollars & sixty six cents	158 66
<i>Marlboro'</i>	134 0	462 66	Five hundred & twenty six Dollars & sixty six cents	586 66
<i>Sherburne</i>		224 0	Two hundred & twenty four Dollars	224 0
<i>Hopkinton</i>	148 0	316 0	Four hundred and sixty four Dollars	464 0
<i>Holliston</i>	58 0	281 33	Three hundred & thirty nine Dollars & thirty three cents	339 33
<i>Concord</i>	128 0	482 66	Six hundred & ten Dollars & sixty six cents	610 66
<i>Acton</i>	53 01	200 0	Two hundred & fifty three Dollars & one cents	253 01
<i>Carlisle</i>	40 99	154 66	One hundred & ninety five Dollars & sixty six cents	195 65
<i>Stow</i>	22 95	208 0	Two hundred & thirty Dollars & ninety five cents	230 95
<i>Boxboro'</i>	9 05	88 0	Ninety seven Dollars & five cents	97 05
<i>Bedford</i>	34 0	190 66	Two hundred & twenty four Dollars & sixty six cents	224 66
<i>Burlington</i>		138 66	One hundred & thirty eight Dollars & sixty six cents	138 66
<i>Reading</i>	182 0	469 33	Six hundred & fifty one Dollars & thirty three cents	651 33
<i>Wilmington</i>	64 0	156 0	Two hundred & twenty Dollars	220 0
<i>Billerica</i>	72 0	317 33	Three hundred & eighty nine Dollars & thirty three cents	389 33
<i>Teckinsbury</i>	70 0	190 66	Two hundred & sixty Dollars & sixty six cents	260 66
<i>Chelmsford</i>	100 0	313 33	Four hundred & thirteen Dollars & thirty three cents	413 33
<i>Westford</i>	120 0	288 0	Four hundred & eight Dollars	408 0
<i>Littleton</i>	38 0	193 33	Two hundred & thirty one Dollars & thirty three cents	231 33
<i>Groton</i>	180 0	390 66	Five hundred & seventy Dollars & sixty six cents	570 66
<i>Dracut</i>	130 0	281 33	Four hundred & eleven Dollars & thirty three cents	411 33
<i>Dunstable</i>	16 06	118 66	One hundred & thirty four Dollars & seventy two cents	134 72
<i>Tyngsboro'</i>	21 94	153 33	One hundred & seventy five Dollars & twenty seven cents	175 27
<i>Shirley</i>		141 33	One hundred & forty one Dollars & thirty three cents	141 33
<i>Pepperell</i>	112 0	237 33	Three hundred & forty nine Dollars & thirty three cents	349 33
<i>Townsend</i>	34 0	208 0	Two hundred & forty two Dollars	242 0
<i>Ashby</i>	116 0	209 33	Three hundred & twenty five Dollars & thirty three cents	325 33
	3722 0	12326 53	Sixteen thousand & forty eight Dollars & fifty three cents	16048 53

## COUNTY OF HAMPSHIRE.

TOWNS.	Representatives' Pay.	Proportion of \$133,302 52	Total.	
			Dolls.	Cts.
Northampton				
East Hampton	210 32	565 33	Seven hundred & seventy five Dollars & sixty five cents	775 65
West Hampton	39 68	106 66	One hundred & forty six Dollars & thirty four cents	146 34
So. Hampton	28 0	166 66	One hundred & ninety four Dollars & sixty six cents	194 66
West Springfld.	32 0	205 33	Two hundred & thirty seven Dollars & thirty three cents	237 33
Southwick	174 0	600 0	Seven hundred & seventy four Dollars	774 0
Southwick	34 0	181 33	Two hundred & fifteen Dollars & thirty three cents	215 33
Granville	90 0	417 33	Five hundred & seven Dollars & thirty three cents	507 33
Blanford	86 0	286 66	Three hundred & seventy two Dollars & sixty six cents	372 66
Russell		56 0	Fifty six Dollars	56 0
Westfield	102 0	385 33	Four hundred & eighty seven Dollars & thirty three cents	487 33
Montgomery		82 66	Eighty-two Dollars & sixty six cents	82 66
Norwich	30 0	138 66	One hundred & sixty eight Dollars & sixty six cents	168 66
Chester		214 66	Two hundred & fourteen Dollars & sixty six cents	214 66
Middlefield		153 33	One hundred & fifty three Dollars & thirty three cents	153 33
Worthington	80 0	250 66	Three hundred & thirty Dollars & sixty six cents	330 66
Chesterfield	32 0	230 66	Two hundred & sixty two Dollars & sixty six cents	262 66
Williamsburgh	28 0	193 33	Two hundred & twenty one Dollars & thirty three cents	221 33
Hatfield		258 66	Two hundred & fifty eight Dollars & sixty six cents	258 66
Whateley		152 0	One hundred & fifty two Dollars	152 0
Deerfield	166 0	378 66	Five hundred & forty four Dollars & sixty six cents	544 66
Conway	38 0	422 66	Four hundred & sixty four Dollars & sixty six cents	460 66
Goshen	32 0	132 0	One hundred & sixty four Dollars	164 0
Ashfield	42 0	244 0	Two hundred & eighty six Dollars	286 0
Cumington	17 26	178 66	One hundred & ninety five Dollars & ninety two cents	195 92
Plainfield	14 74	150 66	One hundred & sixty five Dollars & forty cents	165 40
Hawley	26 0	122 66	One hundred & forty eight Dollars & sixty six cents	148 66
Shelburne	38 0	189 33	Two hundred & twenty seven Dollars & thirty three cents	227 33
Greenfield	99 32	280 0	Three hundred & seventy nine Dollars & thirty two cents	379 32

<i>Gill</i>	40 68	114 66	One hundred & fifty five Dollars and thirty four cents	155 34
<i>Bernardston</i>	18 85	154 66	One hundred & seventy three Dollars & fifty one cents	173 51
<i>Leyden</i>	19 15	157 33	One hundred & seventy six Dollars & forty eight cents	176 48
<i>Coleraine</i>	38 0	302 66	Three hundred & forty Dollars & sixty six cents	340 66
<i>Charlton</i>	38 0	121 33	One hundred & fifty nine Dollars & thirty three cents	159 33
<i>Roxe</i>		98 66	Ninety eight Dollars & sixty six cents	98 66
<i>Heath</i>	30 0	100 0	One hundred & thirty Dollars	130 0
<i>Springfield</i>	122 0	437 33	Five hundred & fifty nine Dollars & thirty three cents	569 33
<i>Longmeadow</i>	54 0	196 0	Two hundred and fifty Dollars	250 0
<i>Wilbraham</i>	38 0	269 33	Three hundred & seven Dollars & thirty three cents	307 33
<i>Monson</i>	32 0	265 33	Two hundred & ninety seven Dollars & thirty three cents	297 33
<i>Brinfield</i>	80 0	285 33	Three hundred & sixty five Dollars & thirty three cents	365 33
<i>So. Brinfield</i>	31 47	114 66	One hundred & forty six Dollars & thirteen cents	146 13
<i>Holland</i>	24 53	89 33	One hundred & thirteen Dollars & eighty six cents	113 86
<i>Palmer</i>	34 0	170 66	Two hundred & four Dollars & sixty six cents	204 66
<i>Ware</i>	66 0	154 66	Two hundred & twenty Dollars & sixty six cents	220 66
<i>Greenwich</i>	44 0	208 0	Two hundred & fifty two Dollars	252 0
<i>Ludlow</i>		96 0	Ninety six Dollars	96 0
<i>Belchertown</i>	106 0	296 0	Four hundred & two Dollars	402 0
<i>Pelham</i>	56 0	176 0	Two hundred & thirty two Dollars	232 0
<i>Amherst</i>	60 0	281 33	Three hundred & forty one Dollars & thirty three cents	341 33
<i>Granby</i>	28 0	149 33	One hundred & seventy seven Dollars & thirty three cents	177 33
<i>Hadley</i>	84 0	273 33	Three hundred fifty seven Dollars & thirty three cents	357 33
<i>So. Hadley</i>	28 0	165 33	One hundred & ninety three Dollars & thirty three cents	193 33
<i>Sunderland</i>		109 33	One hundred & nine Dollars & thirty three cents	109 33
<i>Montague</i>	30 0	137 78	One hundred & sixty seven Dollars & seventy eight cents	167 78
<i>Leverett</i>		104 0	One hundred & four Dollars	104 0
<i>Shutebury</i>	30 0	117 33	One hundred & forty seven Dollars & thirty three cents	147 33
<i>Wendell</i>		144 88	One hundred & forty four Dollars & eighty eight cents	144 88
<i>New Salem</i>	98 0	333 33	Four hundred & thirty one Dollars & thirty three cents	431 33
<i>Northfield</i>	112 0	246 66	Three hundred & fifty eight Dollars & sixty six cents	358 66
<i>Warwick</i>	59 7	256 0	Three hundred & fifteen Dollars & seven cents	315 7
<i>Orange</i>	36 93	160 0	One hundred ninety six Dollars & ninety three cents	196 93
<i>Buckland</i>		137 33	One hundred thirty seven Dollars & thirty three cents	137 33
	2878 0	13167 77	Sixteen thousand and forty five Dollars, & seventy seven cents	16045 77

## COUNTY OF PLYMOUTH.

TOWNS.	Representatives' Pay.	Proportion of \$133,302 52	Total.
<i>Plymouth</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Scituate</i>	194 0	725 33	919 33
<i>Duxbury</i>	152 0	653 33	805 33
<i>Marshfield</i>	64 0	332 0	396 0
<i>Bridgewater</i>	92 0	362 66	454 66
<i>Middleboro'</i>	150 0	1134 66	1284 66
<i>Rochester</i>	220 0	850 66	1070 66
<i>Plimpton</i>	56 0	450 66	506 66
<i>Pembroke</i>	116 0	157 33	157 33
<i>Abington</i>	148 0	433 33	549 33
<i>Kingston</i>	88 0	365 33	513 33
<i>Haver</i>	74 0	278 66	366 66
<i>Halifax</i>	14 0	245 33	319 33
<i>Wareham</i>		144 0	158 0
<i>Carver</i>		142 66	142 66
<i>Hingham</i>	114 0	157 33	157 33
<i>Hull</i>	22 0	530 66	644 66
		48 0	70 0
	1504 0	7011 93	8515 93
			Eight thousand, five hundred & fifteen Dollars & ninety three cents.

## COUNTY OF BRISTOL.

<i>Taunton</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Rehoboth</i>	104 0	734 66	838 66
<i>Dartmouth</i>	26 0	709 33	735 33
<i>Swansey</i>	124 0	469 33	593 33
	88 0	246 66	334 66
			Eight hundred and thirty eight Dollars & sixty six cents.
			Seven hundred and thirty five Dollars & thirty three cents.
			Five hundred and ninety three Dollars & thirty three cents.
			Three hundred and thirty four Dollars & sixty six cents.



<i>Freetown</i>	82 0	273 60	Three hundred and fifty five Dollars & sixty cents	355 60
<i>Attleboro'</i>	104 0	465 33	Five hundred and sixty nine Dollars & thirty three cents	569 33
<i>Norton</i>	122 0	317 33	Four hundred and thirty nine Dollars & thirty three cents	439 33
<i>Dighton</i>	64 0	294 66	Three hundred and fifty eight Dollars & sixty six cents	358 66
<i>Easton</i>	96 0	272 0	Three hundred and sixty eight Dollars	368 0
<i>Ramham</i>	52 0	225 33	Two hundred and seventy seven Dollars & thirty three cents	277 33
<i>Berkley</i>	54 0	205 33	Two hundred and seventy nine Dollars & thirty three cents	259 33
<i>Marshfield</i>	34 0	178 66	Two hundred & twelve Dollars & sixty six cents	212 66
<i>New Bedford</i>	88 0	1073 33	One thousand one hundred & sixty one Dollars & thirty three cents	1161 33
<i>West-port</i>	66 0	491 99	Five hundred and fifty seven Dollars & ninety nine cents	557 99
<i>Somerset</i>	64 0	190 66	Two hundred and fifty four Dollars & sixty six cents	254 66
<i>Try</i>	20 0	182 40	Two hundred and two Dollars & forty cents	202 40
	1188 0	6330 60	Seven thousand, five hundred & eighteen Dollars & sixty cents	7518 60

COUNTY OF BARNSTABLE.

	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
<i>Barnstable</i>	92 0	496 0	Five hundred & forty eight Dollars	548 0
<i>Sandwich</i>	56 0	436 0	Five hundred & twelve Dollars	512 0
<i>Falmouth</i>	110 0	332 0	Four hundred and [ & ] forty two Dollars	442 0
<i>Yarmouth</i>	32 0	282 66	Three hundred and fourteen Dollars & sixty six cents	314 66
<i>Dennis</i>		192 0	One hundred and ninety two Dollars	192 0
<i>Harwich</i>	92 0	221 33	Three hundred and thirteen Dollars & thirty three cents	313 33
<i>Brewster</i>	98 0	158 67	Two hundred and fifty six Dollars & sixty seven cents	256 67
<i>Chatham</i>		181 33	One hundred and eighty One Dollars & thirty three cents	181 33
<i>Orleans</i>		141 33	One hundred and forty one Dollars & thirty three cents	141 33
<i>Eastham</i>	20 0	84 0	One hundred and four Dollars	104 0
<i>Wellfleet</i>		129 33	One hundred and twenty nine Dollars & thirty three cents	129 33
<i>Truro</i>		134 66	One hundred & thirty four Dollars & sixty six cents	134 66
<i>Provincetown</i>		114 66	One hundred & fourteen Dollars & sixty six cents	114 66
	500 0	2883 97	Three thousand three hundred & eighty three Dollars & ninety seven cents	3383 97

COUNTY OF *DUKES COUNTY*.

TOWNS.	Representatives' Pay.	Proportion of \$133,302 52	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Edgarton</i>	. . . . .	192 0	Two hundred and twenty six Dollars . . . . . 226 0
<i>Chilmark</i>	. . . . .	249 33	Two hundred and forty nine Dollars & thirty three cents . . . . . 249 33
<i>Tisbury</i>	. . . . .	185 33	Two hundred and sixty nine Dollars & thirty three cents . . . . . 269 33
	118 0	626 66	Seven hundred and forty four Dollars & sixty six cents . . . . . 744 66

COUNTY OF *NANTUCKET*.

<i>Nantucket</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
. . . . .	160 0	1250 0	One thousand four hundred and twenty Dollars . . . . . 1420 0

COUNTY OF *WORCESTER*.

<i>Worcester</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Leicester</i>	204 0	833 33	One thousand & fifty seven Dollars & thirty three cents . . . . . 1057 33
<i>Spencer</i>	56 0	282 66	Three hundred and thirty eight Dollars & sixty six cents . . . . . 338 66
<i>Brookfield</i>	34 0	344 0	Four hundred and forty two Dollars . . . . . 242 0
<i>Western</i>	78 0	756 0	Eight hundred and thirty four Dollars . . . . . 834 0
<i>Sturbridge</i>	52 0	241 33	Two hundred and ninety three Dollars & thirty three cents . . . . . 293 33
<i>Charlton</i>	102 0	416 0	Five hundred and eighteen Dollars . . . . . 518 0
<i>Dudley</i>	34 0	501 33	Five hundred and thirty five Dollars & thirty three cents . . . . . 535 33
<i>Douglas</i>	72 0	233 33	Three hundred and five Dollars & thirty three cents . . . . . 305 33
<i>Uxbridge</i>	60 0	185 33	Two hundred & forty five Dollars & thirty three cents . . . . . 245 33
<i>Mendon</i>	80 0	318 66	Three hundred and ninety eight Dollars & sixty six cents . . . . . 398 66
	70 0	369 33	Four hundred and thirty nine Dollars & thirty three cents . . . . . 439 33

Milford	72	0	218	66	Two hundred and ninety Dollars & sixty six cents	290	66	
Northbridge			113	33	One hundred and thirteen Dollars & thirty three cents	113	33	
Sutton		96	0	581	33	Six hundred and seventy seven Dollars & thirty three cents	677	33
Orford			242	66	Two hundred and forty two Dollars & sixty six cents	242	66	
Ward			145	33	One hundred and forty five Dollars & thirty three cents	145	33	
Grafton		64	0	250	66	Three hundred and fourteen Dollars & sixty six cents	314	66
Upton		28	0	180	0	Two hundred and eight Dollars	208	0
Shrewsbury		48	0	265	33	Three hundred & thirteen Dollars & thirty three cents	313	33
Westboro'		118	0	272	0	Three hundred and Ninety Dollars	390	0
Southboro'		34	0	193	33	Two hundred & twenty seven Dollars & thirty three cents	227	33
Northboro'		92	0	172	53	Two hundred and sixty four Dollars & fifty three cents	264	53
Boylston		102	0	254	66	Three hundred and fifty six Dollars & sixty six cents	356	66
Paxton			158	66	One hundred and fifty eight Dollars & sixty six cents	158	66	
Holden			265	33	Two hundred and ninety one Dollars & thirty three cents	291	33	
Lancaster			350	66	Four hundred and ninety two Dollars & sixty six cents	492	66	
Harvard			317	33	Four hundred and thirty five Dollars & thirty three cents	435	33	
Bolton		93	33	225	33	Three hundred & eighteen Dollars, & sixty six Cents	318	66
Berlin		54	67	136	80	One hundred ninety one Dollars & forty seven Cents	191	47
Sterling		32	0	390	66	Four hundred & twenty two Dollars & sixty six Cents	422	66
Princeton		98	0	302	66	Four hundred Dollars & sixty six Cents	400	66
Rutland		52	0	329	33	Four hundred & eleven Dollars & thirty three Cents	411	33
Oakham		28	0	166	66	One hundred & ninety four Dollars and sixty six Cents	194	66
New Braintree		92	0	217	33	Three hundred & nine Dollars & thirty three Cents	309	33
Hardwick		140	0	357	33	Four hundred & ninety seven Dollars & thirty three Cents	497	33
Barre		138	0	489	33	Six hundred & twenty seven Dollars & thirty three Cents	627	33
Hubberdston		102	0	248	0	Three hundred & fifty Dollars	350	0
Westminster		120	0	306	66	Four hundred twenty six Dollars & sixty six Cents	426	66
Leominster		114	0	276	0	Three hundred & ninety Dollars	390	0
Lewenburgh		106	0	278	66	Three hundred & eighty four Dollars & sixty six Cents	384	66
Fitchburgh		100	0	234	66	Three hundred & thirty four Dollars & sixty six Cents	334	66
Ashburnham			193	33	One hundred & ninety three Dollars & thirty three Cents	193	33	
Winchendon		38	0	250	66	Two hundred & eighty eight Dollars & sixty six Cents	288	66
Gardner		132	0	132	0	One hundred & thirty two Dollars	132	0
Templeton		20	0	233	33	Two hundred & fifty three Dollars & thirty three Cents	253	33
Royalston		98	0	259	37	Three hundred & fifty seven Dollars & thirty seven Cents	357	37
Petersham		38	0	376	0	Four hundred & fourteen Dollars	414	0

## COUNTY OF WORCESTER — CONCLUDED.

Towss.	Representatives' Pay.	Proportion of \$133,302 32	Total.
<i>Athol</i> . . . . .	Dolls. Cts. 86 0	Dolls. Cts. 197 95	Dolls. Cts. 283 95
<i>Gerry</i> . . . . .	82 0	174 67	206 67
<i>Dana</i> . . . . .		76 0	76 0
	3458 0	14335 82	17793 82
			Two hundred & eighty three Dollars and ninety five Cents . . . . .
			Two hundred & six Dollars & sixty seven Cents . . . . .
			Seventy six Dollars . . . . .
			Seventeen thousand seven hundred & ninety three Dollars and eighty two Cents . . . . .

## COUNTY OF BERKSHIRE.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Lenox</i> . . . . .	98 0	237 33	335 33
<i>Sheffield</i> . . . . .	105 82	370 66	476 48
<i>Mt. Washington</i> . . . . .	12 18	42 66	54 84
<i>Stockbridge</i> . . . . .	38 0	293 33	331 33
<i>New Marlboro'</i> . . . . .	46 0	290 66	336 66
<i>Barremon</i> . . . . .	38 0	132 0	170 0
<i>Pittsfield</i> . . . . .	226 0	477 33	703 33
<i>Gt. Barrington</i> . . . . .	76 0	300 0	376 0
<i>Sandisfield</i> . . . . .	83 19	288 0	371 19
<i>Southfield</i> . . . . .	8 81	30 66	39 47
<i>Tyringham</i> . . . . .	48 0	233 33	301 33
<i>Lanesboro'</i> . . . . .	37 62	304 0	361 32
<i>New Ashford</i> . . . . .	12 38	65 33	77 71
<i>Williamstown</i> . . . . .	156 0	345 33	501 33
<i>Becket</i> . . . . .	38 0	173 33	211 33
<i>Windsor</i> . . . . .	116 0	204 0	320 0
<i>Partridgefield</i> . . . . .	30 0	136 80	166 80
			Three hundred & thirty five Dollars & thirty three cents . . . . .
			Four hundred & seventy six Dollars & forty eight cents . . . . .
			Fifty four Dollars & eighty four cents . . . . .
			Three hundred & thirty One Dollars & thirty three cents . . . . .
			Three hundred & thirty six Dollars & sixty six cents . . . . .
			One hundred & seventy Dollars . . . . .
			Seven hundred & three Dollars & thirty three cents . . . . .
			Three hundred & seventy six Dollars . . . . .
			Three hundred & seventy one Dollars & nineteen cents . . . . .
			Thirty nine Dollars & forty seven cents . . . . .
			Three hundred & one Dollars & thirty three cents . . . . .
			Three hundred sixty one Dollars & thirty two cents . . . . .
			Seventy seven Dollars & seventy one cents . . . . .
			Five hundred & one Dollars & thirty three cents . . . . .
			Two hundred & eleven Dollars & thirty three cents . . . . .
			Three hundred & twenty Dollars . . . . .
			One hundred & sixty six Dollars & eighty cents . . . . .

<i>Hinsdale</i>	91 20	Ninety one Dollars & twenty cents	91 20
<i>Alford</i>	98 66	Ninety-eight Dollars & sixty six cents	98 66
<i>Loudon</i>	76 0	Seventy six Dollars	76 0
<i>West Stockbridge</i>	12 0	One hundred & Eighty eight Dollars	188 0
<i>Richmond</i>	80 0	Three hundred & twenty two Dollars sixty six cents	322 66
<i>Hancock</i>	185 33	One hundred & eighty five Dollars & thirty three cents	185 33
<i>Washington</i>	133 33	One hundred & thirty three Dollars, & thirty three cents	133 33
<i>Lee</i>	209 33	Two hundred ninety three Dollars, thirty three cents	209 33
<i>Adams</i>	276 0	Three hundred & ninety six Dollars	396 0
<i>Dutton</i>	158 66	One hundred & fifty eight Dollars & sixty six cents	158 66
<i>Bethlehem</i>	60 0	Sixty Dollars	60 0
<i>Cheshire</i>	273 33	Three hundred & sixty five Dollars & thirty three cents	365 33
<i>Savoy</i>	58 66	Fifty eight Dollars & sixty six cents	58 66
<i>Clarksburgh</i>	33 33	Thirty three Dollars & thirty three cents	33 33
<i>Florida</i>	(No valuation.)		
	1578 0		
	6017 24		
		Seven thousand, five hundred & ninety five Dollars & twenty four cents	7595 24

COUNTY OF NORFOLK.

	Dolls. Cts.		Dolls. Cts.
<i>Deatham</i>	690 0	Six hundred and ninety Dollars	690 0
<i>Roxbury</i>	1483 33	One thousand four hundred & thirty three Dollars, & thirty three cents	1483 33
<i>Dorchester</i>	751 0	Seven hundred & fifty four Dollars	751 0
<i>Weymouth</i>	524 0	Five hundred & twenty four Dollars	524 0
<i>Braintree</i>	339 33	Three hundred & thirty nine Dollars & thirty three cents	339 33
<i>Mattfield</i>	277 19	Two hundred & seventy seven Dollars & nineteen cents	277 19
<i>Dorset</i>	204 80	Two hundred & four Dollars & eighty cents	204 80
<i>Milton</i>	439 33	Four hundred & thirty nine Dollars & thirty three cents	439 33
<i>Wrentham</i>	546 0	Five hundred & forty six Dollars	546 0
<i>Brookline</i>	325 66	Three hundred & twenty six Dollars & sixty six cents	325 66
<i>Needham</i>	355 33	Three hundred fifty five Dollars & thirty three cents	355 33
<i>Methuen</i>	371 66	Three hundred & seventy four Dollars & sixty six cents	371 66

## COUNTY OF NORFOLK — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,302 52	Total.
	Dolla. Cts.	Dolla. Cts.	Dolla. Cts.
Bellingham .	50 0	180 0	Two hundred & thirty Dollars .
Waipole .	72 0	225 33	Two hundred & ninety seven Dollars & thirty three cents .
Stoughton .	10 0	170 66	One hundred & eighty Dollars & sixty six cents .
Sharon .	96 0	197 33	Two hundred ninety three Dollars & thirty three cents .
Cohasset .	46 0	200 0	Two hundred & forty six Dollars .
Franklin .	154 0	334 66	Four hundred & eighty eight Dollars & sixty six cents .
Foxboro' .	118 0	160 0	One hundred & sixty Dollars .
Quincy .	30 0	293 33	Four hundred & eleven Dollars & thirty three cents .
Randolph .	30 0	232 0	Two hundred & sixty two Dollars .
Canton .	74 0	209 33	Two hundred & eighty three Dollars & thirty three cents .
	2028 0	7089 27	Nine thousand, one hundred, & seventeen Dollars & twenty seven cents .
			9117 27

## COUNTY OF YORK.

	Dolla. Cts.	Dolla. Cts.	Dolla. Cts.	Dolla. Cts.
York . . . . .	158 0	610 66	Seven hundred & sixty eight Dollars & sixty six cents . . . . .	768 66
Kittery . . . . .	138 0	638 66	Seven hundred & seventy six Dollars & sixty six cents . . . . .	776 66
Wells . . . . .	84 0	760 0	Eight hundred & forty four Dollars . . . . .	844 0
Arundell . . . . .	88 0	368 0	Four hundred & fifty six Dollars . . . . .	456 0
Biddeford . . . . .	34 0	288 0	Three hundred & twenty two Dollars . . . . .	322 0
Berwick . . . . .	210 0	785 33	Nine hundred & ninety five Dollars & thirty three cents . . . . .	995 33
Lebanon . . . . .	18 0	244 0	Two hundred & sixty two Dollars . . . . .	262 0
Sanford . . . . .	180 0	180 0	One hundred & Eighty Dollars . . . . .	180 0
Alfred . . . . .	149 33	149 33	One hundred & eighty nine Dollars & thirty three cents . . . . .	149 33
Lyman . . . . .	174 66	174 66	One hundred & seventy four Dollars & sixty six cents . . . . .	174 66
Phillipsburgh . . . . .	70 0	148 0	Two hundred & eighteen Dollars . . . . .	218 0
Waterboro' . . . . .		146 67	One hundred & forty six Dollars & sixty seven cents . . . . .	146 67

<i>Shapleigh</i> . . . . .	248 0	Two hundred and forty eight Dollars	248 0
<i>Newfield</i> . . . . .	64 0	Sixty four Dollars	64 0
<i>Limerick</i> . . . . .	136 0	One hundred and thirty six Dollars	136 0
<i>Limington</i> . . . . .	178 66	One hundred and seventy eight Dollars & sixty six cents	178 66
<i>Cornish</i> . . . . .	96 0	Ninety Six Dollars	96 0
<i>Parsonsfield</i> . . . . .	189 33	One hundred and eighty nine Dollars & thirty three cents	189 33
<i>Saco</i> . . . . .	466 66	Six hundred and forty eight Dollars & sixty six cents	648 66
<i>Burton</i> . . . . .	349 33	Four hundred and twenty nine Dollars & thirty three cents	429 33
	1062 0		
	6221 29	Seven thousand, two hundred, & eighty three Dollars & twenty nine cents	7283 29

COUNTY OF CUMBERLAND.

	Dolls. Cts.		Dolls. Cts.
<i>Portland</i> . . . . .	334 0	One thousand, eight hundred & twenty six Dollars	1826 0
<i>Falmouth</i> . . . . .	128 0	Seven hundred and eighty eight Dollars	788 0
<i>Cape Elizabeth</i> . . . . .		Two hundred and thirteen Dollars & thirty three cents	213 33
<i>Scarborough</i> . . . . .	96 0	Five hundred and ninety six Dollars	596 0
<i>Gorham</i> . . . . .	114 0	Four hundred and ninety six Dollars & sixty six cents	496 66
<i>Standish</i> . . . . .	34 0	One hundred and seventy Dollars & sixty six cents	170 66
<i>Windham</i> . . . . .	20 0	Two hundred and fifty six Dollars & sixty six cents	256 66
<i>Gray</i> . . . . .	66 0	One hundred and seventy seven Dollars & thirty three cents	177 33
<i>New Gloucester</i> . . . . .	106 0	Two hundred and ninety four Dollars	294 0
<i>No. Yarmouth</i> . . . . .		Six hundred and fifty nine Dollars & thirty three cents	659 33
<i>Freeport</i> . . . . .	413 33	Four hundred and thirteen Dollars & thirty three cents	413 33
<i>Brunswick</i> . . . . .	78 0	Four hundred and three Dollars & thirty three cents	403 33
<i>Harpwell</i> . . . . .	88 0	Three hundred and One Dollars & thirty three cents	301 33
<i>Durham</i> . . . . .		Two hundred and six Dollars & sixty six cents	206 66
<i>Peepscoot</i> . . . . .	60 0	Sixty Dollars	60 0
<i>Poland</i> . . . . .	110 66	One hundred and ten Dollars & sixty six cents	110 66
<i>Raymond</i> . . . . .	64 0	Sixty four Dollars	64 0
<i>Baldwin</i> . . . . .	46 66	Forty six Dollars & sixty six cents	46 66
<i>Bridgetown</i> . . . . .	108 0	One hundred and eight Dollars	108 0

## COUNTY OF CUMBERLAND — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$135,302 52	Total.
Harrison	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Otisfield	26 66	26 66	26 66
Minot	70 67	70 67	70 67
Thompson's pond & Shakers Settlement.	229 33	229 33	229 33
	18 66	18 66	18 66
Seven thousand, five hundred & thirty seven Dollars & twenty six cents	6473 26		7537 26

## COUNTY OF LINCOLN.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Wiscasset	112 0	424 0	536 0
New Castle	68 0	189 33	257 33
Woolwich	46 0	200 0	246 0
Boothbay		182 66	182 66
Edgecomb	28 0	152 0	180 0
Dresden		130 66	180 66
New Milford	30 0	180 66	180 66
Baldston		214 66	214 66
Bristol	78 0	365 33	443 33
Nobleboro'		117 33	117 33
Waldoboro'	32 0	272 0	304 0
Medunkook		62 66	62 66
Cushing		74 67	74 67
St. George	78 0	86 66	164 66
Thomaston	92 0	254 66	346 66
Warren	110 0	198 66	308 66



<i>Candlen</i>	114 0	170 66	Two hundred and eighty four Dollars & sixty six cents	284 66
<i>Union</i>		136 0	One hundred & thirty six Dollars	136 0
<i>Palermo</i>		72 0	Seventy two Dollars	72 0
<i>Georgetown</i>	28 0	301 33	Three hundred and twenty nine Dollars & thirty three cents	329 33
<i>Bath</i>	98 0	268 0	Three hundred and sixty six Dollars	366 0
<i>Topsham</i>	58 0	196 0	Two hundred and fifty four Dollars	254 0
<i>Bowdoin</i>		136 0	One hundred and thirty six Dollars	136 0
<i>Bowdoinham</i>	20 0	125 33	One hundred and forty five Dollars & thirty three cents	145 33
<i>Leicester</i>	84 0	136 0	One hundred and twenty Dollars	220 0
<i>Littlefield</i>		120 0	One hundred and twenty Dollars	120 0
<i>Lisbon</i>		98 66	Ninety eight Dollars & sixty six cents	98 66
<i>Wales</i>		38 66	Thirty eight Dollars & sixty six cents	38 66
<i>Little River</i>		38 66	Thirty eight Dollars & sixty six cents	38 66
<i>Hope</i>	(No valuation.)			
	1076 0	4913 24	Five thousand, nine hundred & eighty nine Dollars & twenty four cents	5989 24

COUNTY OF KENNEBECK.

<i>Augusta</i>	Dolls. Cts.	Dolls. Cts.	Three hundred and fifty six Dollars & sixty six cents	Dolls. Cts.
<i>Hallowell</i>	154 0	202 66	Three hundred and sixty six Dollars	356 66
<i>Gardiner</i>	150 0	216 0	One hundred and sixty six Dollars	366 0
<i>Monmouth</i>	64 0	102 0	One hundred and eighty seven Dollars & thirty three cents	166 0
<i>Greene</i>	90 0	97 33	One hundred and eighty seven Dollars & thirty three cents	187 33
<i>Leeds</i>		98 66	Ninety eight Dollars & sixty six cents	98 66
<i>Wintthrop</i>		89 33	Eighty nine Dollars and thirty three cents	89 33
<i>Readfield</i>	90 0	201 33	Two hundred & ninety one Dollars & thirty three cents	291 33
<i>Wayne</i>		160 0	One hundred and sixty Dollars	160 0
<i>Fayette</i>		72 0	Seventy two Dollars	72 0
		78 66	Seventy eight Dollars & sixty six cents	78 66

## COUNTY OF KENNEBECK — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,302 52		Total.
<i>Mr. Vernon</i>	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
<i>Belgrade</i> . . . . .	102 0	110 66	Two hundred & twelve Dollars & sixty six cents	212 66
<i>Sydney</i> . . . . .		61 33	Sixty One Dollars & thirty three cents	61 33
<i>Waterville</i> . . . . .		142 66	One hundred and forty two Dollars & sixty six cents	142 66
<i>Fairfield</i> . . . . .	26 0	112 0	One hundred and thirty eight Dollars . . . . .	138 0
<i>West Pond</i> . . . . .		113 33	One hundred and thirteen Dollars & thirty three cents.	113 33
<i>Rome</i> . . . . .		12 0	Twelve Dollars . . . . .	12 0
<i>Vienna</i> . . . . .		13 33	Thirteen Dollars & thirty three cents	13 33
<i>New Sharon</i> . . . . .		34 66	Thirty four Dollars & sixty six cents . . . . .	34 66
<i>Chesterville</i> . . . . .		57 33	Fifty seven Dollars & thirty three cents	57 33
<i>Wilton</i> . . . . .		20 0	Twenty Dollars . . . . .	20 0
<i>Farmington</i> . . . . .	30 0	40 0	Forty Dollars . . . . .	40 0
<i>Industry</i> . . . . .		149 33	One hundred and Seventy nine Dollars & thirty three cents	179 33
<i>Mercer</i> . . . . .		24 0	Twenty four Dollars . . . . .	24 0
<i>Starks</i> . . . . .		20 0	Twenty Dollars . . . . .	20 0
<i>Ayson</i> . . . . .		64 0	Sixty four Dollars . . . . .	64 0
<i>New Vineyard</i> . . . . .		49 33	Forty nine Dollars & thirty three cents	49 33
<i>Strong</i> . . . . .		37 33	Thirty seven Dollars & thirty three cents	37 33
<i>Embden</i> . . . . .		30 66	Thirty Dollars & sixty six cents . . . . .	30 66
<i>Seven Mile brook</i> . . . . .		24 0	Twenty four Dollars . . . . .	24 0
<i>Pittstown</i> . . . . .	26 0	20 0	Twenty Dollars, . . . . .	20 0
<i>Vassaboro'</i> . . . . .	24 0	102 0	One hundred & twenty eight Dollars	128 0
<i>Harlem</i> . . . . .		204 0	Two hundred & twenty eight Dollars	228 0
<i>Winslow</i> . . . . .		70 66	Seventy Dollars & sixty six cents . . . . .	70 66
<i>Fairfax</i> . . . . .	102 0	74 66	One hundred & seventy six Dollars & sixty six cents	176 66
<i>Clinton</i> . . . . .		40 0	Forty Dollars . . . . .	40 0
<i>Canaan</i> . . . . .	28 0	78 66	One hundred & six Dollars & sixty six cents	106 66
<i>Norridgewoak</i> . . . . .	18 0	101 33	One hundred & nineteen Dollars & thirty three cents	119 33
<i>Madison</i> . . . . .		86 66	Eighty six Dollars & sixty six cents . . . . .	86 66
		26 66	Twenty six Dollars & sixty six cents . . . . .	26 66

<i>Cornville</i>	.	.	.	.	.	36 0	Thirty six Dollars	.	.	.	.	.	36 0
<i>Athens</i>	.	.	.	.	.	18 66	Eighteen Dollars & sixty six cents	.	.	.	.	.	18 66
<i>Harmony</i>	.	.	.	.	.	16 0	Sixteen Dollars	.	.	.	.	.	16 0
<i>Unity</i>	.	.	.	.	.	53 33	Fifty three Dollars & thirty three cents.	.	.	.	.	.	53 33
<i>Aron,</i>	.	.	.	.	.								
<i>Temple,</i>	.	.	.	.	.								
						904 0	No valuation.						
						3362 54							
							Four thousand, two hundred & sixty six Dollars, & fifty four cents						4266 54

COUNTY OF HANCOCK.

						Dolls. Cts.							Dolls. Cts.
<i>Castine</i>	.	.	.	.	.	184 0	One hundred & Eighty four Dollars	.	.	.	.	.	184 0
<i>Penobscot</i>	.	.	.	.	.	118 66	Two hundred & eight Dollars & sixty six cents	.	.	.	.	.	208 66
<i>Orland</i>	.	.	.	.	.	52 0	Fifty two Dollars	.	.	.	.	.	52 0
<i>Buckstown</i>	.	.	.	.	.	113 33	One hundred & ninety nine Dollars & thirty three cents	.	.	.	.	.	199 33
<i>Orrington</i>	.	.	.	.	.	122 66	Two hundred & fourteen Dollars & sixty six cents	.	.	.	.	.	214 66
<i>Sedgwick</i>	.	.	.	.	.	120 0	One hundred & twenty Dollars	.	.	.	.	.	120 0
<i>Bluehill</i>	.	.	.	.	.	108 0	One hundred & eight Dollars	.	.	.	.	.	108 0
<i>Surry</i>	.	.	.	.	.	42 66	Forty two Dollars & sixty six cents	.	.	.	.	.	42 66
<i>Ellsworth</i>	.	.	.	.	.	28 0	Twenty eight Dollars	.	.	.	.	.	28 0
<i>Trenton</i>	.	.	.	.	.	93 33	Ninety three Dollars & thirty three cents	.	.	.	.	.	93 33
<i>Sullivan</i>	.	.	.	.	.	89 0	Eighty nine Dollars	.	.	.	.	.	89 0
<i>Sullivan adiat.</i>	.	.	.	.	.	29 66	Twenty nine Dollars & sixty six cents	.	.	.	.	.	29 66
<i>Gouldsboro</i>	.	.	.	.	.	61 33	Sixty one Dollars & thirty three cents	.	.	.	.	.	61 33
<i>Mount Desert</i>	.	.	.	.	.	89 33	One hundred twenty one Dollars & thirty three cents	.	.	.	.	.	121 33
<i>Eden</i>	.	.	.	.	.	66 66	Sixty six Dollars & sixty six cents	.	.	.	.	.	66 66
<i>Deer Isle</i>	.	.	.	.	.	112 0	One hundred & twelve Dollars	.	.	.	.	.	112 0
<i>Islesboro'</i>	.	.	.	.	.	66 66	Sixty six Dollars & sixty six cents	.	.	.	.	.	66 66
<i>Vinalhaven</i>	.	.	.	.	.	102 66	One hundred & forty Dollars & sixty six cents	.	.	.	.	.	140 66
<i>Belfast</i>	.	.	.	.	.	101 33	One hundred & ninety seven Dollars & thirty three cents	.	.	.	.	.	197 33
<i>Northport</i>	.	.	.	.	.	72 0	Seventy two Dollars	.	.	.	.	.	72 0
<i>Lincolnville</i>	.	.	.	.	.	62 66	One hundred & forty Dollars & sixty six cents	.	.	.	.	.	140 66
<i>Prospect</i>	.	.	.	.	.	121 33	One hundred & twenty one Dollars & thirty three cents	.	.	.	.	.	121 33

## COUNTY OF HANCOCK — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,302 52	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Frankfort . . . . .		118 66	118 66
Hamden . . . . .	76 0	116 0	192 0
Bangor . . . . .	26 0	56 0	82 0
Daristown . . . . .		18 66	18 66
Colburntown . . . . .		18 66	18 66
Eddington . . . . .		16 0	16 0
	614 0	2301 24	2915 24
			Two thousand, nine hundred & fifteen Dollars & twenty four cents .

## COUNTY OF OXFORD.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Paris . . . . .	112 0	129 33	241 33
Buckfield . . . . .		129 33	129 33
Turner . . . . .	24 0	182 0	176 0
Livermore . . . . .	84 0	84 0	168 0
Hartford . . . . .		46 66	46 66
Sumner . . . . .		57 33	57 33
Norway . . . . .		77 33	77 33
Fryeburgh . . . . .		128 0	128 0
Braunfield . . . . .		40 0	40 0
Hiram . . . . .		14 66	14 66
Porterfield . . . . .		17 33	17 33
Loreil . . . . .		40 0	40 0
Waterford . . . . .		86 66	86 66
Albany . . . . .		17 33	17 33
Bethel . . . . .		89 33	89 33
			Two hundred & forty one Dollars & thirty three cents .
			One hundred & twenty nine Dollars & thirty three cents .
			One hundred & seventy six Dollars .
			One hundred and sixty eight Dollars .
			Forty six Dollars and sixty six cents .
			Fifty seven Dollars & thirty three cents .
			Seventy seven Dollars & thirty three cents .
			One hundred & twenty eight Dollars .
			Forty Dollars .
			Fourteen Dollars & sixty six cents .
			Seventeen Dollars & thirty three cents .
			Forty Dollars .
			Eighty six Dollars & sixty six cents .
			Seventeen Dollars & thirty three cents .
			Eighty nine Dollars & thirty three cents .

<i>East Andover</i>	21 33	Twenty one Dollars & thirty three cents	.	.	.	.	.	.	21 33
<i>Rumford</i>	40 00	Forty Dollars . . . . .	.	.	.	.	.	.	40 00
<i>Dixfield</i>	11 33	Eleven Dollars & thirty three cents	.	.	.	.	.	.	11 33
<i>Holmaston</i>	11 33	Eleven Dollars & thirty three cents	.	.	.	.	.	.	11 33
<i>Hebron</i>	136 0	One hundred & thirty six Dollars .	.	.	.	.	.	.	136 0
<i>Jay</i>	73 33	Seventy three Dollars & thirty three cents	.	.	.	.	.	.	73 33
<i>Gilead</i>			.	.	.	.	.	.	
<i>Newry</i>			.	.	.	.	.	.	
	220 0								
	1402 61	One thousand, six hundred & twenty two Dollars & sixty one cents .							1622 61

COUNTY OF WASHINGTON.

<i>Machias</i>	Dolls. Cts.	Two hundred Dollars & sixty six cents.	.	.	.	.	.	Dolls. Cts.
<i>Addison</i>	162 66	Forty eight Dollars . . . . .	.	.	.	.	.	200 66
<i>Harrington</i>	48 0	Thirty seven Dollars & thirty three cents	.	.	.	.	.	48 0
<i>Steuben</i>	37 33	Thirty eight Dollars & sixty six cents .	.	.	.	.	.	37 33
<i>Columbia</i>	38 66	Forty six Dollars & sixty six cents .	.	.	.	.	.	38 66
<i>Eastport</i>	46 66	Seventy eight Dollars sixty six cents .	.	.	.	.	.	46 66
<i>Plantation No. 22</i>	78 66	Fifty three Dollars & thirty three cents	.	.	.	.	.	78 66
<i>Cherryfield</i>	53 33	Thirteen Dollars & thirty three cents .	.	.	.	.	.	53 33
	13 33		.	.	.	.	.	13 33
	38 0	Five hundred & sixteen Dollars & sixty three cents .	.	.	.	.	.	516 63

## AGGREGATE OF THE SEVERAL COUNTIES.

COUNTIES.	Representatives' Pay.	Proportion of \$133,302 52	Total.
<i>Suffolk</i> . . . . .	Dolls. Cts. 1264 0	Dolls. Cts. 16963 99	Dolls. Cts. 18227 99
<i>Essex</i> . . . . .	2702 0	20135 93	29837 93
<i>Middlesex</i> . . . . .	3722 0	12326 53	16048 53
<i>Hampshire</i> . . . . .	2878 0	13167 77	16045 77
<i>Plymouth</i> . . . . .	1504 0	7011 93	8515 93
<i>Bristol</i> . . . . .	1188 0	6330 60	7518 60
<i>Barnstable</i> . . . . .	500 0	2883 97	3383 97
<i>Dukes County</i> . . . . .	118 0	626 66	741 66
<i>Nantucket</i> . . . . .	160 0	1260 0	1420 0
<i>Worcester</i> . . . . .	3468 0	14335 82	17793 82
<i>Berkshire</i> . . . . .	1378 0	6017 24	7595 24
<i>Norfolk</i> . . . . .	2028 0	7089 27	9117 27
<i>York</i> . . . . .	1062 0	6221 29	7283 29
<i>Cumberland</i> . . . . .	1064 0	6473 26	7537 26
<i>Lincoln</i> . . . . .	1076 0	4913 24	5989 24
<i>Kennebec</i> . . . . .	904 0	3362 54	4266 54
<i>Hancock</i> . . . . .	614 0	2301 23	2915 23
<i>Oxford,</i> . . . . .	220 0	1402 61	1622 61
<i>Washington</i> . . . . .	38 0	478 63	516 63
	26078 0	133,302 52	159,380 52

SECTION 2D. *Be it further enacted*, That the Treasurer of this Commonwealth shall forthwith send his Warrant directed to the Selectmen or Assessors of each town, district plantation or other place, taxed as aforesaid requiring them respectively to assess in Dollars and Cents the sum so charged, in manner following; that is to say; to tax each male poll, above the age of sixteen years, within their respective towns, districts, plantations, or other places adjoining them not belonging to any other town, district or plantation, *provided* such places were returned, or included in the last valuation, at twenty seven cents each, and the remainder of such sum, charged as aforesaid to each town, district, plantation, or other place respectively, to assess upon the respective inhabitants thereof, according to the value of the real estate therein possessed or owned by each of them, on the first day of May next, either in his own right, or the right of others, improved or not improved, except pews in houses of public worship; or upon the owners of real estate in such town, district, plantation or other place, whether such [owners reside in the same, or not, on the first day of May, according to the just value thereof; & upon] nonresident proprietors of real estate lying within such town, district, plantation or other place, in their own right, or the right of others, improved or not improved, and also on the inhabitants of such town, district plantation or other place, and all other persons possessing estates within the same on the said first day of May, according to the proportion of the amount of their respective personal estates, including all money at interest, more than they pay interest for, and all other debts due to them more than they are indebted for, monies of all kinds on hand, public securities of all kinds, all Bank stock, and shares or property in any incorporate bridge or turnpike road, or shares in any other incorporated Company possessing taxable property, according to the just value thereof, and also the amount of all goods, wares & merchandize, or any other stock in trade, vessels of all kinds at home or abroad, with all their stores and appurtenances; horses, mules, & neat cattle, each of one year old and upwards; and swine of six months old and upwards; and also the amount of the incomes of such inhabitants, from any profession, handicraft, trade, or employment, or gained by trading on sea or on land; and all other property of the several kinds returned in the last

Valuation, except sheep, household furniture, wearing apparel, farming utensils tools of mechanics, and Salt works for the manufacture of salt.

SECTION 3D. *Be it further enacted*, that every minor whose poll shall be taxed by force of this Act, may be assessed to his parent, master or guardian, under whose immediate government he may be living, in the same town, district, plantation or other place, otherwise such minor shall be personally taxed for his poll, as though he were of full age. And every tenant or freeholder, who by force of this Act may be assessed, and shall pay any sum for real estate in his possession, may require his landlord, the owner of such estate to reimburse half such sum, unless it be otherwise provided for by agreement between them. And every owner of horses, mules, or neat cattle, shall be taxed therefor, in the town, district, plantation or other place wherein he may be an inhabitant on the said first day of May, notwithstanding any of said creatures may have been sent to some other place or State, for pasturage only, before that time. And said Assessors shall estimate all the kinds of property which by this Act they are required to tax, at six per centum on the value thereof, excepting unimproved lands, which they shall estimate at two per centum only, on the value thereof.'

SECTION 4TH. *Be it further enacted*, That said Treasurer, in his said Warrant, shall require said Selectmen or assessors respectively, to make a fair list or lists of their assessments, setting forth in distinct columns, against each person's name, how much he or she is assessed, for polls, real and personal estate, and income respectively as aforesaid, distinguishing any sum assessed on such person as guardian, or for any estate in his or her possession in trust, and also to insert in such lists the number of acres of unimproved land which they may have taxed to each nonresident proprietor of lands, and the value at which they have estimated the same; and such list or lists, when completed and signed by them, or the major part of them, to commit to the Collector or Collectors, Constable or Constables of such town, district, plantation or other place respectively, with a Warrant or Warrants in due form of law, requiring them to collect and pay the same to the said Treasurer on or before the first day of April, in the year of Our Lord one thousand eight hundred and seven; and also to return a Certificate of the



name or names of such Collector or Collectors, Constable or Constables, with the sum total which they may be so required respectively to collect, to the said Treasurer, some time before the first day of December next.

And whereas there are many persons within this Commonwealth, engaged in trade, who negotiate much business, and hire shops, stores and wharves, in towns, districts or places other than where they dwell, and whose property and ability can be better known to the Assessors of the several towns wherein such business is transacted, than to those of the town, district or other place where they may dwell. therefore

SECTION 5TH. *Be it further enacted*, That for such goods, wares and merchandize, or other stock in trade, ships and vessels, as are sold, used or improved in the towns, districts, plantations or places other than where the owners thereof may dwell, such owners shall be respectively taxed therefor, in such town, district plantation or other place, & not where they dwell, or have their home; and they shall be respectively held to deliver on oath or affirmation, if required, a list of their whole taxable estate, to the assessors of the town, district, plantation or other place where they may dwell on the said first day of May, distinguishing what part thereof is taxable elsewhere; and in default thereof they may be doomed by said Assessors. *Provided however*, that this clause shall in no case be so construed, as to enable the Assessors of any town, district, plantation or other place, to assess an inhabitant of any other town, district, plantation or other place, for any property charged thereon in the last valuation.

SECTION 6TH. *Be it further enacted*, That the President, Professors, Tutors, Librarian and Students of Harvard, Williams & Bowdoin Colleges respectively, who have their usual residence there, and who enjoy no other pecuniary office or employment; also ministers of the Gospel, Preceptors of Academies established by law, and Latin Grammar School masters, shall not be assessed for their polls or estates under their personal management, in the towns, districts or parishes where they are settled: And that all persons who have the management of the estates of Harvard, Williams, and Bowdoin Colleges, and of the Academies aforesaid respectively, shall not be assessed for the same. And that Indians shall not be

assessed for their polls or estates. And if there be any persons, who by reason of age, infirmity or poverty, may be unable to contribute towards the public charges, in the judgment of the said Assessors respectively, they may exempt the poll and estate of such persons, or abate any part of what they are set at, as they may think just and equitable.

SECTION 7TH. *Be it further enacted*, That the Justices of the peace, at their sessions in the respective Counties, when duly authorized to assess a County tax, shall apportion the same on the several towns districts, plantations or other places therein, according to the proportion at which they are rated in this Act; and in the assessment of all County, town, parish, or society taxes, the Assessors of each town, district, parish, plantation, society, or other place in this Commonwealth shall govern themselves by the same rules, and assess the polls therein, in the same proportion as they may be assessed to pay by force of this act, having regard to all such alterations of polls or property, as may happen within the same, subsequent to the assessment of the tax laid by this Act, excepting such parishes & societies for which different provision for assessing their taxes is made by law. *Provided always*, that it shall be lawful for any town, district, parish, or plantation, to make, levy and collect any county, town, parish or society tax according to a new valuation, and for that purpose to cause a valuation to be taken therein, at any time of the year which they may determine to be necessary, at a legal meeting warned for that purpose. And the Assessors of the several towns which by this Act are charged with an additional sum for the pay of their representatives, shall assess such sum on the polls and estates therein, in the same proportion at which such polls and estates shall be respectively assessed for raising the sum of one hundred & thirty three thousand, three hundred and two Dollars & fifty two cents. *Provided nevertheless*, that in assessing any tax, except the State tax, and the tax for the pay of Representatives, if the sum to be assessed on the polls pursuant to the provisions of this Act, shall exceed one third part of such tax, then the Assessors shall so reduce the poll tax, that the sum assessed on the polls, shall not exceed one third part of such tax but shall be as nearly equal to one third part thereof, as conveniently may be.

SECTION 8TH *Be it further enacted*, That the foregoing Tax be & hereby is appropriated for defraying the expenses of Government; & that no order shall be drawn by the Treasurer, on any Constable or Collector of this Tax, for any part of the same. And all the said Assessors shall make their several rate lists, to be committed to Collectors or Constables, in the form prescribed at the end of this Act.

*Form of Rate Lists to be made by Assessors, & committed to Collectors or Constables.*

STATE TAX.					
Names of persons to be taxed.	Number of Polls.	Poll Tax.	Real Estate.	Personal Estate and Income.	Total.
		Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.

*Form of Rate Lists of nonresident Proprietors of unimproved lands.*

STATE TAX.						
Names of persons to be taxed (if known.)	Number of each lot (if known.)	Number of Division or description of the range (if known.)	Number of acres.	Value.	Tax.	Total.
				Dollars. Cents.	Dollars. Cents.	Dollars. Cents.

*Approved March 12, 1806*



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RESOLVES  
OF  
MASSACHUSETTS.  
1805.

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RESOLVES

OF THE

GENERAL COURT

OF THE

COMMONWEALTH OF MASSACHUSETTS.

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*,  
ON WEDNESDAY, THE TWENTY-NINTH DAY OF  
*MAY, ANNO DOMINI*, 1805.

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BOSTON:  
PRINTED BY YOUNG & MINNS,  
*Printers to the Honorable the General Court.*

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Reprinted by WRIGHT & POTTER PRINTING COMPANY, State Printers.

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# RESOLVES

OF THE

## GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS.

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF  
*SUFFOLK*, ON WEDNESDAY, THE TWENTY-NINTH DAY  
OF *MAY*, *ANNO DOMINI*, 1805.

*GOVERNOR,*

His Excellency CALEB STRONG, Esquire.

*LIEUTENANT GOVERNOR,*

His Honor EDWARD H. ROBBINS, Esquire.

*COUNSELLORS.*

Honorable Nathan Cushing,  
Stephen Bullock,  
Artemas Ward,  
Henry Knox, Es-  
quires.

Honorable Samuel Dexter, jun.  
David Cobb,  
Bezaleel Taft,  
Benjamin Pickman,  
jun., Esquires.

*SENATORS.*

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Hon. Oliver Wendell,  
William Brown,  
John Phillips, jun.,  
Harrison G. Otis,  
Thomas H. Perkins, Es-  
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Joseph Leland, Esquires.

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John Phillips, jun  
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Hugh McClallen,  
George Bliss, Esquires.

*PLYMOUTH.*

Hon. Nathan Willis,  
Albert Smith, Esquires.

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Hon. Jonathan Maynard,  
Aaron Hill,  
William Hildreth,  
Samuel Dana, Esquires.

*BRISTOL.*

Hon. Josiah Dean,  
Nathaniel Morton, jun., Es-  
quires.

SENATORS — *Concluded.*

BARNSTABLE.  
Hon. John Dillingham, Esq.

DUKES COUNTY AND NANTUCKET.  
Hon. Isaac Collin, Esquire.

WORCESTER.  
Hon. Salem Town,  
Daniel Bigelow,  
Elijah Brigham,  
Thomas Hale, Esquires.

CUMBERLAND.  
Hon. Woodbury Storer,  
John Cushing, Esquires.

LINCOLN.  
Hon. John Farley,  
George Ulmer, Esquires.

BERKSHIRE.  
Hon. John Bacon,  
Timothy Childs, Esquires.

NORFOLK.  
Hon. John Ellis,  
John Howe, Esquires.

KENNEBECK.  
Hon. Nathan Weston, Esquire.

Rev. WILLIAM EMERSON, D. D. Chaplain.  
WENDELL DAVIS, Esq. Clerk.

## HOUSE OF REPRESENTATIVES.

Hon. TIMOTHY BIGELOW, Esquire, *Speaker.*

*County of SUFFOLK.*

*Boston*, Theophilus Parsons,  
George Cabot,  
Jonathan Mason,  
William Smith,  
Sannuel Parkman,  
Joseph Hall,  
Jonathan Hunnewell,  
William Spooner,  
William Sullivan,  
John Welles,  
Edward Tuckerman,  
William Phillips,  
John Winslow,  
William Parsons,

*Boston*, Francis Wright,  
Stephen Codman,  
Redford Webster,  
Simon Elliot,  
Thomas Perkins,  
Benja. Russell,  
Daniel Sargent, jun.  
Edward Gray,  
Thomas C. Amory,  
Thomas W. Sumner,  
James Lloyd, jun.  
John Callender,

*Chelsea.*

*County of ESSEX.*

*Salem*, John Hathorne,  
William Cleaveland,  
John Southwick,  
Joshua Ward,  
William Stearns,  
Joseph Storey,  
*Ipswich*, Nathaniel Wade,  
Jonathan Cogswell, jun.  
Joseph Swasey,  
*Newbury*, Josiah Little,

*Newburyport*, Jonathan Marsh,  
Edward St. Loe Livermore,  
Nicholas Pike,  
Edward Little,  
Andrew Frothingham,  
Jonathan Gage,  
Bishop Norton,  
*Lynn & Lynnfield*, Joseph Fuller,  
*Gloucester*, John Rowe,  
*Rowley*, Benjamin Adams,

## REPRESENTATIVES — Continued.

*County of ESSEX — Concluded.*

<i>Salisbury</i> , Jonathan Webster,	<i>Topsfield</i> ,
<i>Amesbury</i> , Christopher Sargent,	<i>Bradford</i> , Nathaniel Thurston,
<i>Haverhill</i> , David Howe,	<i>Boxford</i> , Thomas Perley,
<i>Andover</i> , Thomas Kittridge,	<i>Methuen</i> , Stephen Barker,
<i>Marblehead</i> , Elisha Story,	<i>Danvers</i> , Gideon Foster,
John Selman,	Samuel Page,
Nathan B. Martin,	Nathan Felton,
John Prince,	<i>Wenham</i> ,
Ebenezer Graves,	<i>Manchester</i> ,
<i>Beverly</i> , Joseph Wood,	<i>Hamilton</i> , Robert Dodge,
Israel Thorndike,	<i>Middleton</i> .
Abner Chapman,	
Thomas Davis,	

*County of MIDDLESEX.*

<i>Charlestown</i> , Thomas Harris,	<i>Newton</i> , Timothy Jackson,
Matthew Bridge,	<i>Framingham</i> ,
David Goodwin,	<i>Dracut</i> , Israel Hildreth,
Seth Wyman,	<i>Weston</i> , John Slack,
<i>Cambridge</i> , Jeduthun Willington,	<i>Lexington</i> , William Munroe,
William Whittemore,	<i>Littleton</i> , Simon Hartwell,
Daniel Mason,	<i>Hopkinton</i> , Walter McFarlan,
<i>Medford</i> , Nathaniel Hall,	<i>Holliston</i> ,
<i>Watertown</i> , Jonas White,	<i>Westford</i> , Jonathan Carver,
<i>Concord</i> , Joseph Chandler,	<i>Bedford</i> , David Reed,
<i>Sudbury</i> , Joseph Goodenow,	<i>Wilmington</i> , Timothy Walker,
<i>Woburn</i> , Samuel Thompson,	<i>Townsend</i> , John Campbell,
<i>Reading</i> , Daniel Graves,	<i>Tewksbury</i> ,
Hay Nichols,	<i>Acton</i> , Samuel Jones,
<i>Malden</i> , Jonathan Oaks,	<i>Carlisle</i> ,
<i>Groton</i> , Timothy Bigelow,	<i>Waltham</i> , Abner Sanderson,
Joseph Moors,	<i>Shirley</i> ,
<i>Billerica</i> , John Parker,	<i>Pepperel</i> , Joseph Heald,
<i>Chelmsford</i> , William Adams,	<i>Lincoln</i> , Samuel Hoar,
<i>Marlborough</i> , John Loring,	<i>Ashby</i> , John Locke,
<i>Dunstable</i> & } R. Brinley,	<i>East Sudbury</i> , Jacob Reeves,
<i>Tyngsboro'</i> ,	<i>Natick</i> ,
<i>Sherburne</i> ,	<i>Stoneham</i> ,
<i>Stow</i> & <i>Boxborough</i> , Ephraim	<i>Burlington</i> .
Whitcomb,	

*County of HAMPSHIRE.*

<i>Springfield</i> , Jacob Bliss,	<i>Montague</i> , Martin Root,
Jonathan Dwight, jun.	<i>Greenwich</i> , Abijah Powers,
<i>Hadley</i> , Samuel Porter,	<i>Amherst</i> , Samuel H. Dickenson,
<i>Northfield</i> , Medad Alexander,	<i>Monson</i> , Abner Brown,
<i>Sunderland</i> ,	<i>Belchertown</i> , Eleazer Clark,
<i>Brimfield</i> , Stephen Pynchon,	Eliakim Phelps,
<i>Pelham</i> , Nathaniel Sampson,	<i>Shutesbury</i> , William Ward,
<i>Palmer</i> , Aaron Merriek,	<i>Ware</i> ,
<i>South Hadley</i> , Ruggles Wood-	<i>So. Brimfield</i> & } John Munger,
bridge,	<i>Holland</i> ,
<i>New Salem</i> , Varney Pierce,	<i>Warwick</i> & <i>Orange</i> , Caleb Mayo,

## REPRESENTATIVES — Continued.

## County of HAMPSHIRE — Concluded.

<i>Wilbraham</i> , Phineas Stebbins,	<i>Conway</i> , Reuben Bardwell,
<i>Granby</i> , David Smith,	<i>Ashfield</i> ,
<i>Ludlow</i> ,	<i>Shelburne</i> , Aaron Skinner,
<i>Leverett</i> ,	<i>Worthington</i> , Jonathan Wood-
<i>Wendell</i> ,	bridge,
<i>Long Meadow</i> , Ethan Ely,	<i>Southwick</i> , Joseph Forward, jun.
<i>North Hamp-</i> } Moses Wright,	<i>Williamsburg</i> , William Bodman,
<i>ton &amp; East</i> } Asahel Pomroy,	<i>Whately</i> ,
<i>Hampton</i> , } Thaddeus Clap,	<i>Norwich</i> , Aaron Hall,
<i>Westfield</i> , Ashbel Eager,	<i>West Springfield</i> , Jonathan Smith
<i>Hatfield</i> ,	jun.
<i>Deerfield</i> , John Williams,	Gad Warriner,
Elihu Hoyt,	Heman Day,
<i>Blanford</i> , David Boies,	<i>Westhampton</i> , Silvester Judd,
<i>Southampton</i> , Lemuel Pomroy,	<i>Buckland</i> ,
<i>Greenfield &amp; Gill</i> , Richard E.	<i>Cummington</i> } James Richards,
Newcomb,	<i>&amp; Plainfield</i> , }
<i>Granville</i> , John Phelps,	<i>Montgomery</i> ,
Israel Parsons,	<i>Goshen</i> , Justin Parsons,
<i>Coleraine</i> , Clark Chandler,	<i>Middlefield</i> ,
<i>Bernardston</i> } Hezekiah New-	<i>Rowe</i> ,
<i>&amp; Leyden</i> , } comb,	<i>Heath</i> , Roger Leavitt,
<i>Chesterfield</i> , Benjamin Parsons,	<i>Hawley</i> , Edmund Longly,
<i>Charlemont</i> , Joshua Hawks,	<i>Russell</i> .
<i>Chester</i> ,	

## County of PLYMOUTH.

<i>Plymouth</i> , Nathaniel Goodwin,	<i>Plympton</i> ,
William Davis,	<i>Pembroke</i> , Nathl. Smith,
Zaccheus Bartlett,	<i>Abington</i> , Aaron Hobart,
<i>Scituate</i> , Charles Turner, jun.	<i>Kingston</i> , John Faunce,
<i>Duxbury</i> , Seth Sprague,	<i>Hanover</i> , Benjamin Bass,
<i>Marshfield</i> , Elisha Phillips,	<i>Halifax</i> ,
<i>Bridgewater</i> , Daniel Snow,	<i>Warcham</i> ,
<i>Middleboro'</i> , John Tinkham,	<i>Carver</i> ,
John Morton,	<i>Hingham</i> , Nathan Rice,
Levi Peirce,	Levi Lincoln,
Chillingworth Foster,	<i>Hull</i> , Samuel Lovell.
<i>Rochester</i> , Gideon Barstow,	

## County of BRISTOL.

<i>Taunton</i> , Jones Godfrey,	<i>Easton</i> , Abiel Mitchell,
<i>Rehoboth</i> , David Perry,	<i>Raynham</i> , Israel Washburn,
<i>Dartmouth</i> , Holder Slocum,	<i>Berkley</i> , Appollos Tobey,
<i>Swansey</i> , Christopher Mason,	<i>Mansfield</i> , Nathaniel Brintnall,
<i>Freetown</i> , William Rounsevelle,	<i>New Bedford</i> , Seth Spooner,
<i>Attleborough</i> , Ebenezer Bacon,	<i>Westport</i> , John Mosher,
<i>Norton</i> , Laban Wheaton,	<i>Somerset</i> , Clark Purington,
<i>Dighton</i> , John Hathaway,	<i>Troy</i> , Jonathan Brownall.

## County of BARNSTABLE.

<i>Barnstable</i> , Jonas Whitman,	<i>Yarmouth</i> , David Killey,
<i>Sandwich</i> , John Freeman,	<i>Eastham</i> , Samuel Freeman,

## REPRESENTATIVES — Continued.

## County of BARNSTABLE — Concluded.

<i>Falmouth</i> , David Nye,	<i>Wellfleet</i> ,
<i>Harwich</i> , Ebenezer Broadbrooks,	<i>Dennis</i> ,
<i>Truro</i> ,	<i>Orleans</i> ,
<i>Chatham</i> , Richard Sears,	<i>Brewster</i> , Isaac Clark.
<i>Provincetown</i> ,	

## County of DUKES COUNTY.

<i>Edgartown</i> , Jethro Worth,	<i>Tisbury</i> , Shubael Dunham.
<i>Chilmark</i> ,	

## County of NANTUCKET.

*Nantucket*, Micajah Coffin.

## County of WORCESTER.

<i>Worcester</i> , Samuel Flagg,	<i>New Braintree</i> , James Woods,
Edward Bangs,	<i>Spencer</i> , Benjamin Drury,
<i>Lancaster</i> , Jonathan Wilder,	<i>Petersham</i> , Nathaniel Chandler,
<i>Mendon</i> , Joseph Adams,	<i>Charlton</i> , John Spurr,
<i>Oxford</i> ,	<i>Templeton</i> , Lovell Walker,
<i>Leicester</i> , Nathaniel P. Denny,	<i>Athol</i> , Eleazer Graves,
<i>Rutland</i> ,	<i>Oakham</i> , Jesse Allen,
<i>Sutton</i> , Stephen Munroe,	<i>Fitchburgh</i> , Samuel Gibson,
<i>Westborough</i> , Nathan Fisher,	<i>Winchendon</i> , William Whitney,
<i>Brookfield</i> , Jabez Upham,	<i>Royalston</i> , Isaac Gregory,
<i>Uxbridge</i> , Joseph Richardson,	<i>Ashburnham</i> ,
<i>Southborough</i> , Trowbridge	<i>Paxton</i> ,
Taylor,	<i>Northborough</i> , James Keyes,
<i>Shrewsbury</i> , Jonah Howe,	<i>Inhabardston</i> , John M'Clanathan,
<i>Lunenburg</i> ,	<i>Westminster</i> , Jonas Whitney,
<i>Dudley</i> , Thomas Learned,	<i>Princeton</i> , John Dana,
<i>Harvard</i> , Thomas Park,	<i>Northbridge</i> ,
<i>Grafton</i> , Joseph Wood,	<i>Burre</i> , Elijah Caldwell,
<i>Upton</i> , Ezra Wood, jun.	<i>Ward</i> ,
<i>Hardwick</i> , Timothy Page,	<i>Milford</i> , Samuel Jones,
<i>Bolton &amp; Berlin</i> , Silas Holman,	<i>Sterling</i> , Israel Allen,
<i>Sturbridge</i> , Oliver Plimpton,	<i>Gardner</i> ,
<i>Holden</i> , William Drury,	<i>Boyleston</i> , James Longley,
<i>Leominster</i> , Jonas Kendal,	<i>Gerry</i> , Ithamar Ward,
<i>Western</i> ,	<i>Dana</i> .
<i>Dougluss</i> , Aaron Marsh,	

## County of BERKSHIRE.

<i>Lenox</i> , Oliver Belden, jun.	<i>Sandisfield &amp; }</i>
<i>Sheffield &amp; Mount }</i> John W. Hul-	<i>Southfield</i> , { John Picket,
<i>Washington</i> , { bert,	<i>Tyringham</i> , Adonijah Bidwell,
<i>Stockbridge</i> , John Whiton,	<i>Lanesborough &amp; }</i> Samuel H.
<i>New Marlborough</i> ,	<i>New Ashford</i> , { Wheeler,
<i>Egremont</i> , Francis Heare,	<i>Williamston</i> , William Young,
<i>Pittsfield</i> , Thomas Allen, jun.	Ezekiel Bacon,
Simcon Griswold,	<i>Becket</i> , George Conant,
<i>Great Barrington</i> , Thomas Ives,	<i>Windsor</i> , Amos Holbrook,

## REPRESENTATIVES — Continued.

## County of BERKSHIRE — Concluded.

<i>Partridgefield</i> , Cyrus Stowell,	<i>Lee</i> , Jared Bradley,
<i>Alford</i> ,	<i>Adams</i> , Stephen Jencks,
<i>Loudon</i> ,	<i>Dalton</i> ,
<i>West-Stockbridge</i> , Philander Rath-	<i>Bethlehem</i> ,
<i>bun</i> ,	<i>Cheshire</i> , Jonathan Richardson,
<i>Richmond</i> , Noah Rosseter,	<i>Savoy</i> ,
<i>Hancock</i> ,	<i>Clarksburgh</i> .
<i>Washington</i> ,	

## County of NORFOLK.

<i>Roxbury</i> , Joseph Heath,	<i>Brookline</i> , Stephen Sharp,
William Brewer,	<i>Needham</i> , Daniel Ware,
Crowel Hatch,	<i>Medway</i> , Abner Morse,
Elisha Whitney,	<i>Bellingham</i> ,
<i>Dorchester</i> , Perez Morton,	<i>Walpole</i> , Asa Kingsbury,
Ezekiel Tolman,	<i>Stoughton</i> , Lemuel Gay,
<i>Weymouth</i> , Eliphalet Loud,	<i>Sharon</i> , John Drake, jun.
<i>Dedham</i> , Ebenezer Fisher,	<i>Cohasset</i> ,
John Endicott,	<i>Franklin</i> , Pelatiah Fisher,
<i>Braintree</i> , Robert Hayden,	<i>Foxborough</i> ,
<i>Medfield &amp; Dover</i> , Ephraim	<i>Quincy</i> , Thomas B. Adams,
Chenery,	<i>Randolph</i> , Thomas French,
<i>Milton</i> , David Tucker,	<i>Canton</i> , Joseph Bemis.
<i>Wrentham</i> , Samuel Day,	

## County of YORK.

<i>York</i> , Joseph Bragdon,	<i>Burton</i> ,
<i>Kittery</i> , Mark Adams,	<i>Lyman</i> ,
<i>Wells</i> , John Storer,	<i>Shapleigh</i> ,
<i>Berwick</i> , Richard F. Cutts,	<i>Parsonsfeld</i> ,
Joseph Prime,	<i>Waterborough</i> ,
William Hobbs,	<i>Limerick</i> ,
<i>Biddleford</i> , Daniel Cleaves,	<i>Linnington</i> ,
<i>Arundel</i> , Thomas Perkins, 3d.	<i>Newfield</i> ,
<i>Lebanon</i> , David Legro,	<i>Cornish</i> ,
<i>Sanford &amp; Alfred</i> ,	<i>Phillipsburgh</i> , John Smith.
<i>Saco</i> , William Moody,	

## County of CUMBERLAND.

<i>Portland</i> , Daniel Tucker,	<i>New-Gloucester</i> , Joseph E. Fox-
Joseph Titcomb,	<i>craft</i> ,
William Symmes,	<i>Gray</i> , Joseph M'Lellan,
Matthew Cobb,	<i>Standish</i> ,
Smith Cobb,	<i>Freeport</i> ,
<i>Scarborough</i> , Benjamin Larribee,	<i>Durham</i> ,
<i>North-Yarmouth</i> , A m m i R.	<i>Poland</i> ,
Mitchell,	<i>Pegypscot</i> ,
<i>Falmouth</i> , Archelaus Lewis,	<i>Hebron</i> ,
<i>Brunswick</i> , John Dunlap,	<i>Bridgetown</i> ,
<i>Harpswell</i> , Benjamin Dunning,	<i>Otisfield</i> ,
<i>Windham</i> , Josiah Chute,	<i>Minot</i> ,
<i>Gorham</i> , Lothrop Lewis,	<i>Baldwin</i> ,
<i>Cape-Elizabeth</i> ,	<i>Raymond</i> .

*REPRESENTATIVES— Continued.**County of LINCOLN.*

<i>Wiscasset</i> , David Payson,	<i>Cushing</i> ,
<i>New-Castle</i> , David Murray,	<i>St. George</i> ,
<i>Woolwich</i> , Abner Wade,	<i>Warren</i> , Samuel Thatcher,
<i>Boothbay</i> ,	<i>Union</i> ,
<i>Edgecombe</i> , William Patterson,	<i>Georgetown</i> , Mark L. Hill,
<i>Dresden</i> ,	<i>Bath</i> , William King,
<i>New Milford</i> , Moses Carleton,	<i>Topsnam</i> ,
<i>Bristol</i> , John Johnston,	<i>Bowdoin</i> ,
<i>Nobleborough</i> ,	<i>Bowdoinham</i> , Elihu Getchel,
<i>Waldoborough</i> , Joshua Head,	<i>Lewiston</i> , Dan Read,
<i>Thomaston</i> , Isaac Barnard,	<i>Litchfield</i> ,
<i>Camden</i> ,	<i>Lisbon</i> .

*County of KENNEBECK.*

<i>Augusta</i> , Joshua Gage,	<i>Starks</i> ,
<i>Hallowell</i> , Thomas Fillebrown,	<i>Anson</i> ,
<i>Gardiner</i> , Barzillai Gannet,	<i>New-Vineyard</i> ,
<i>Greene</i> ,	<i>Strong</i> ,
<i>Monmouth</i> , Simon Dearborn, jun.	<i>Avon</i> ,
<i>Leeds</i> , Thomas Francis,	<i>Temple</i> ,
<i>Winthrop</i> , Nathaniel Fairbanks,	<i>Willon</i> ,
<i>Readfield</i> ,	<i>Jay</i> ,
<i>Wayne</i> ,	<i>Pittston</i> , Jedediah Jewett,
<i>Fayette</i> ,	<i>Vassalborough</i> , Philip Leach,
<i>Mount Vernon</i> , John Hovey,	<i>Harlem</i> ,
<i>Belgrade</i>	<i>Winslow</i> , Charles Hayden,
<i>Sydney</i> ,	<i>Fairfax</i> ,
<i>Waterville</i> , Elnathan Sherwin,	<i>Clinton</i> , Asher Hinds,
<i>Fairfield</i> ,	<i>Canaan</i> , Benjamin Shepard,
<i>Rome</i> ,	<i>Norridgewock</i> ,
<i>Vienna</i> ,	<i>Madison</i> ,
<i>New-Sharon</i> ,	<i>Cornville</i> ,
<i>Chesterville</i> ,	<i>Athens</i> ,
<i>Farmington</i> , Ezekiel Porter,	<i>Harmony</i> .
<i>Industry</i> ,	

*County of HANCOCK.*

<i>Castine</i> ,	<i>Mount Desert</i> , Davis Wasgatt,
<i>Penobscot</i> ,	<i>Eden</i> ,
<i>Orland</i> ,	<i>Trenton</i> ,
<i>Buckstown</i> , Thomas S. Sparhawk,	<i>Sullivan</i> ,
<i>Orrington</i> , Timothy Freeman,	<i>Gouldsborough</i> ,
<i>Sedgewick</i> ,	<i>Belfast</i> ,
<i>Blue-Hill</i> ,	<i>Prospect</i> ,
<i>Surry</i> ,	<i>Frankfort</i> ,
<i>Ellsworth</i> ,	<i>Hamden</i> , Daniel Neal,
<i>Isleborough</i> ,	<i>Bangor</i> , James Thomas,
<i>Deer Island</i> ,	<i>Northport</i> ,
<i>Vinalhaven</i> , William Vinal,	<i>Lincolnville</i> .

REPRESENTATIVES — *Concluded.**County of WASHINGTON.*

<i>Machias</i> , Jacob Longfellow,	<i>Addison</i> ,
<i>Steuben</i> ,	<i>Harrington</i> ,
<i>Columbia</i> ,	<i>Eastport</i> .

*County of OXFORD.*

<i>Paris</i> , Levi Hubbard,	<i>Lovell</i> ,
<i>Buckfield</i> ,	<i>Waterford</i> ,
<i>Turner</i> , John Turner,	<i>Albany</i> ,
<i>Livermore</i> ,	<i>Bethel</i> ,
<i>Hartford</i> ,	<i>Gilead</i> ,
<i>Sumner</i> ,	<i>East-Andover</i> ,
<i>Norway</i> ,	<i>Ramford</i> ,
<i>Fryeburgh</i> , John McMillan,	<i>Dixfield</i> .
<i>Brownfield</i> ,	

**Chapter 2.\***

RESOLVE FOR APPOINTMENT OF AN ADDITIONAL NOTARY PUBLIC FOR THE COUNTY OF WASHINGTON.

*Resolved* That an additional Notary Publick be appointed for the County of Washington to reside in the town of Eastport.  
*June 5, 1805.*

**Chapter 3.**

RESOLVE FOR APPOINTMENT OF AN ADDITIONAL NOTARY PUBLIC FOR THE COUNTY OF HANCOCK.

*Resolved* That an additional notary publick be appointed for the County of Hancock to reside in the town of Bangor.  
*June 5, 1805.*

**Chapter 4.**

RESOLVE FOR APPOINTMENT OF AN ADDITIONAL NOTARY PUBLIC FOR THE COUNTY OF NANTUCKET.

*Resolved*, That an additional Notary Public be appointed for the county of Nantucket, to reside in the town of Nantucket.  
*June 5, 1805.*

\* Chapter 1 is a message from the Governor relative to loan of mortar shells to the United States, and will be found with the messages.



**Chapter 5.**

RESOLVE FOR APPOINTMENT OF AN ADDITIONAL NOTARY PUBLIC FOR THE COUNTY OF ESSEX.

*Resolved* That an additional Notary Public be appointed for the County of Essex to reside at Salem in said County.

*June 5, 1805.*

**Chapter 6.**

RESOLVE AUTHORIZING THE GOVERNOR TO LOAN TO SAMUEL BROWN, ESQ., NAVY AGENT FOR THE UNITED STATES, A NUMBER OF MORTAR SHELLS.

*Resolved* that his Excellency be authorized to loan to Samuel Brown Esqr. Navy Agent for the United States Five hundred thirteen Inch Mortar Shells — they being fairly apprized before the delivery in order that a regular demand may be made for reimbursment should others be returned not equal to those loaned or should they be delayed to be returned an unreasonable time.

*June 6, 1805.*

ANSWER OF THE HOUSE TO THE GOVERNOR'S SPEECH AT THE OPENING OF THE SESSION.

*May it please your Excellency,*

The House of Representatives with pleasure offer their congratulations to your Excellency upon this anniversary established by the Constitution, — and upon the additional proof which your fellow Citizens have given you of their high confidence in again electing you to the Office of chief Magistrate of this Commonwealth.

To support the Constitution of the United States — to defend this Commonwealth, and faithfully and impartially to perform the duties of our respective Offices, are obligations so important, as to be deemed by us at all times indispensable. We consider it as an incumbant duty, to support the constitutional measures of the general government. Without an energetic government, careful and prompt to attend to our best interests, the attempt to suppress domestic insurrections or duly to oppose foreign aggressions would be altogether futile, — and in the end security would be lost and revolutions succeed destructive to our peace and happiness, and we should be exposed to the mercy of every lawless invader. As a spirit of insub-

ordination is the usual harbinger of tyranny, an energetic government alone, under divine providence, can shield us from such calamity.

We view with the greatest solicitude our federal compact. Those sages from whose labours it sprang, those who adopted and made it the bond of our union, and security, — and those who moulded and fashioned the government, which has produced to us the greatest national prosperity, must ever be dear to the Citizens of Massachusetts. We concur with your Excellency that it is the duty of the State governments to watch over the rights guaranteed to them by the Constitution; — it is especially their duty to guard with jealous vigilance the preservation of the Union upon just and equal principles; and to repel every measure calculated to consolidate the States under the dominion of a single State. The mutilation of the Constitution must be followed by its destruction, its destruction by the establishment of despotic power, upon the ruins of our honor & freedom. We can not, therefore, but consider the recent proposals made in the House of Representatives of the United States to make the Judiciary dependent on the will of the Executive, and to annihilate the utility of the Senate, as subjects of serious alarm. If such influence can be obtained in the national councils by aspiring men, as to enable them to change this sacred instrument at their pleasure — if alterations should be the result of systematic efforts to destroy, our Country is destined to exhibit the end of republican government; it is destined to prove that men are incapable of governing themselves, and that rational liberty can durably exist only in name.

In the melancholly history of the ruin of Republics, we may find impressive lessons applicable to our own Country. We are fully sensible that the experience of ages teaches that liberty has been destroyed by the assumption of power, obtained in the most numerous branch of the Government. The encroachment, therefore, of the legislative upon the other branches is the first and strongest indication of the dissolution of republican systems.

The communication from the Governor of the State of Pennsylvania, coming from so respectable a quarter demands serious consideration. Yet we cannot but sincerely regret the existance of motives productive of the resolution to which your Excellency alludes.

The several objects of legislation recommended by your Excellency shall receive our most prompt and careful investigation and while we return you our grateful thanks for the general information communicated in your address, we assure your Excellency we shall most readily co-operate with you in the adoption of such measures as may be deemed conducive to the public welfare.

The present state of political disagreement will not prevent the most impartial discharge of our relative duties. Censure and calumny too often usurp the place of praise and commendation; but a conviction of having fully discharged our duty will ever afford a sufficient consolation for the injuries they occasion. In the short period of time which has elapsed since the establishment of our Independence, we have witnessed many and rapid changes of political sentiment, as to men and measures. Such instability would be regarded as unfriendly to the preservation of freedom, if we had not uniformly found, that good sense and just conceptions finally gain their due assendency. Relying on this feature in the character of our fellow citizens, we feel the most unchangable assurance that we shall retain and transmit to our posterity the political felicity by which our country is distinguished. *June 6, 1805.*

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### Chapter 7.

#### RESOLVE ON THE PETITION OF SAMUEL EMERSON.

On the petition of Samuel Emerson Surgeon of the sixth Regiment, first Brigade and sixth Division of Militia of this Commonwealth, setting forth that one Nathaniel Hatch of Wells in the County of York, was severely wounded in the Leg while doing Military duty, by order of his Commanding Officer, on the 4th day of October 1802, and praying for a Compensation for Medicine and attendance administered by him to said Hatch, he being very poor & unable to make him Compensation, — Therefore,

*Resolved*, for reasons set forth in said petition, That there be allowed and paid to the said Samuel Emerson, out of the Treasury of this Commonwealth, the sum of Twenty Dollars, in full for his services & medicine as aforesaid. *June 7, 1805.*

### Chapter 8.

RESOLVE ON THE PETITION OF RICHARD SULLIVAN, AUTHORIZING THE SAID RICHARD, AND SARAH, HIS WIFE, TO SELL CERTAIN REAL ESTATE.

On the Petition of Richard Sullivan setting forth that he the said Richard and Sarah his wife, a minor are seized in her right of a peice of vacant land situate near the Baptist Meeting House in Charlestown in the County of Middlesex bounded Southwesterly on the main Street — Southeasterly on Land of Robert Calder Thomas Osgood and Jonathan Teal & Oliver Holden — Southwesterly by land of said Holden Northeasterly by the Street which runs over Bunker Hill. Northwestery by land of Ebenezer Hall Northeasterly by land of said Hall — Northwestery by land of Jabez Frothingham — and Southwesterly by land of William Bolton Sarah Russell and Mary Russell — containing about four acres. Also a peice of land in Boston in the County of Suffolk containing about half an acre bounded Southerly on Rowe's Land and Land of Jonathan Hunnewell — and Southeasterly on land of said Hunnewell and Land of Mr. Rea — Northerly on Summer Street and Westerly on Kingston Street — and praying that he and the said Sarah may be authorized to sell their said land.

*Resolved*, That, for the reasons in the said petition set forth, the said Richard Sullivan and Sarah his wife be and they hereby are authorized and empowered to execute deeds to convey such portions of the two aforesaid pieces of Land as they may think proper so to dispose of, her minority notwithstanding — And that any Deed or Deeds by the said Richard and Sarah executed in due form of Law pursuant to this Resolve shall have the same force and effect as tho' the said Sarah at the time of the execution thereof were of full age.

*June 8, 1805.*

### Chapter 9.

RESOLVE ON THE PETITION OF WILLIAM PUTNAM, ADMINISTRATOR ON THE ESTATE OF ROBERT BARKER.

Upon the petition of William Putnam Administrator on the estate of Robert Barker late of Lancaster in the County of Worcester deceased represented Insolvent.

*Resolved* for reasons set forth in said petition That the Judge of Probate within and for said County of Worces-

ter be and hereby is authorized and empowered to extend to the Commissioners of said estate a further time of six months for the purpose of receiving examining & allowing such further claims against said estate as may appear to them to be legally supported.

*June 8, 1805.*

### Chapter 10.

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE LEGISLATURE.

*Resolved* that there be allowed & paid out of the Treasury of this Commonwealth, to each member of the Council, Senate, and House of Representatives two Dollars per day for each days attendance the present Session, and the like sum for every ten miles distance from their respective places of abode to the place of setting of the General Court.

*And it is further Resolved*, that there be paid to the President of the Senate, and Speaker of the House of Representatives, each Two dollars ~~p~~ day, for each & every days attendance, over and above their pay as members.

*June 8, 1805.*

### Chapter 11.

RESOLVE ON THE PETITION OF AARON LYMAN, AUTHORIZING CALEB GANNETT, AND JOHN MELLEN, ESQRS., GUARDIANS, TO MAKE AND EXECUTE A GOOD AND VALID DEED OF RELEASE OF ALL THE RIGHT AND TITLE OF THEIR WARDS RESPECTIVELY IN CERTAIN REAL ESTATE.

On the Petition of Aaron Lyman, praying that Caleb Gannett, Esqr. Guardian of Thomas Brattle Gannett, & Elizabeth Latham Gannett, his children, under the age of twenty one years, Devisees of Thomas Brattle late of Cambridge in the county of Middlesex, Esqr. Deceased: and John Mellen Esqr., guardian of Sophia Mellen, Catharine Saltonstall Mellen, & John Wendell Mellen, his children, under the age of twenty one years, also Devisees of the said Thomas Brattle, Deceased, may be authorized, in their said capacity, for the consideration of forty three Dollars & thirty three cents, to be paid by said Aaron, to said John Mellen, in his said capacity for the use of his said minor-children; and twenty one Dollars & sixty seven cents, to be paid to said Caleb Gannett, in his said capacity, for the use of his said minor children; may be authorized to convey to him, the said

Aaron Lyman, his heirs & assigns, by a good and sufficient deed of release & quitclaim, all the right & title of said wards, in & to a certain tract of land in Belcherstown in the county of Hampshire, bounded & described, as follows, to wit, Beginning at a Bass-staddle, standing on the Bank of Swift river, so called, near a place called Rattlesnake hill; thence running West, sixteen degrees South, one hundred & forty five rods, to a stake & stones; thence North, fifty rods; thence North, thirteen degrees West, sixty rods, to a stake & stones, being the South west corner of land lately in the possession of Simeon Bardwell, thence East, two degrees & thirty minutes North, fifty five rods, to an elm-tree, on the Bank of said Swift-river; thence South, on said River, to the first mentioned corner, containing fifty two acres; the said Caleb Gannett & John Mellen joining in said prayer.

*Resolved*, that the prayer of said petition be granted; and that the said Caleb Gannett & John Mellen, Esquires, Guardians of said wards, respectively, be authorized, & they are hereby authorized, to make & execute to said Aaron Lyman, his heirs & assigns, a good & valid deed of release & quit claim of all the right & title of their said wards, respectively, in & to the premises above described; the said Aaron Lyman paying to said guardians, severally, the sums above specified, for the use of their said wards, respectively, and the said guardians accounting therefor, according to Law; the same deed to be as valid to all intents & purposes, as though made & executed by said wards, after arriving to the age of twenty one years.

*June 8, 1805.*

### Chapter 13.\*

RESOLVE ON THE PETITION OF LEMUEL JACKSON, JUN., CONFIRMING HIS DOINGS AS CONSTABLE.

Upon the petition of Lemuel Jackson Junr. of Paris in the County of Oxford stating, that he discharged certain duties of a Constable for the Town of Paris for the year 1803 which he was not duly qualified to perform.

*Resolved*, for the reasons set forth in said petition, That all the acts & doings of the said Lemuel Jackson Junr. as Constable of the Town of Paris for the year 1803 shall

\* Chapter 12 is a message from the Governor, and will be found with the messages at the end of the volume.

be as good & valid, to all intents & purposes, as if the said Jackson had been sworn & qualified to discharge those duties agreeably to law. *June 8, 1805.*

ANSWER OF THE SENATE TO THE GOVERNOR'S SPEECH AT  
THE OPENING OF THE SESSION.\*

*May it please your Excellency,*

The return of the anniversary established by the Constitution, affords to the Senate peculiar gratification, as it is accompanied by a new proof of the wisdom & discernment of their fellow-citizens in again placing your Excellency at the head of the government. — The uniform display of integrity, intelligence and patriotism, hitherto exhibited by your Excellency, has acquired, and we believe will long preserve, the esteem and confidence of every enlightened and virtuous citizen.

Our firm persuasion of the excellence and importance of the Constitution of the United States, as well as the sacred obligations resulting from our Oaths, will induce us, on all occasions, to support those measures of the General Government, which comport with the provisions of that valuable instrument. At the same time we feel it to be our duty to watch over and defend all the rights of the State and of its Citizens, as defined and guaranteed by the Nation[*al*] Constitution.

We have never conceived that it was intended the legislatures of the several States should become blindly subservient to the will of the General Government. Effects the most pernicious and destructive would be produced by a doctrine so absurd and unfounded. Should such an opinion be generally adopted, one of the strongest barriers against the designs of aspiring and unprincipled men would be destroyed.

The arrangement and independence of the Legislative, Judicial and Executive Powers, as provided for in the Constitution, it is undoubtedly the duty & interest of every Citizen to support and defend. By the National System of Government political power is so wisely distributed, as to afford the best security against the designs of the crafty and ambitious, and the great hazard arising from the levity and versatile humour of the ignorant & inexperienced. As long, therefore, as the several branches

\* Taken from court record.

of the Government shall continue to be firm guarantees of each others rightful and legitimate authority, so long they will preserve and render stable our Confederation. But if either of those powers are disposed or enabled to usurp and exercise the authority vested in the Others, a speedy destruction of the Government must inevitably ensue. We agree with your Excellency that the assumption of unconstitutional power, can be more easily effected by the Legislative than by either of the other branches of the Government. The first efforts, therefore, made by any inconsiderate and depraved member of the popular branch, to encroach upon the privileges, secured to either of the other powers, must excite an high degree of indignation, and should call forth the most diligent exertions to avert the mischief, which such attempts are calculated to produce.

Several important subjects for legislation have been suggested by your Excellency. They claim and will receive our serious consideration.

The resolution received from Pennsylvania, approving an Amendment to the Constitution of the United States recommend[*ed*] by the State of Kentucky, however doubtful we may be of its expediency, will receive that respectful and deliberate attention to which every communication from a sister State is entitled.

Censure from political opponents we are fully sensible, cannot be prevented by the most upright and impartial conduct. But this apprehension we believe will not abate our zeal to promote the public welfare. More fortitude will be required to support us under the displeasure of our friends, if compelled by a sense of duty to disappoint their expectations. Should the measures we adopt be just, we trust their esteem may still be retained, but if their attachment should be forfeited, an approving conscience will afford to us ample unfailling consolation.

*June 10, 1805.*

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### Chapter 14.

RESOLVE ON THE PETITION OF JOHN WATERHOUSE AND OTHERS, AUTHORIZING THE OFFICERS OF THE STROUDWATER LIGHT INFANTRY COMPANY TO COMPLEAT THE ENLISTMENT OF SAID COMPANY.

On the Petition of Jno. Waterhouse, Jno. Gordon, and Oakes Sampson Officers of the Stroudwater light infantry Company, praying that they may be allowed to compleat



the enlistment of Said Company, from any of the standing Companies, composing the first regiment, in the Second Brigade, & Sixth Division of the militia of this Commonwealth.

*Resolved*, That the Officers of the Stroudwater light Infantry company, be, and they are hereby authorized to compleat the enlistment of Said Company, and from time to time to fill up the Same, from any of the standing companies in the first regiment Aforesaid: *Provided* such enlistment Does not reduce any of the standing Companies below the number prescribed by Law. *June 10, 1805.*

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### Chapter 15.

RESOLVE ON THE PETITION OF THOMAS G. WAIT.

On the Petition of Thomas G. Wait, praying that the Treasurer and Agents for the Sale of Eastern lands may be Authorized to carry into effect a Resolve passed on the fourth of March last on the Petition of the said Waite.

*Resolved*, that the prayer of the Petition be granted, and that the Treasurer and Agents for the sale of eastern lands, be and they hereby are authorized, to carry the said Resolve of the fourth of march last, into effect, in the same way and manner as they would have done, had the said Wait, complyd with the conditions thereof, within the time limited therein, allowing the Intrest on the Ten per centum advanced on the original contract as well as on the payment of the first instalment, to the first day of December A. D. 1798. *June 10, 1805.*

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### Chapter 16.

RESOLVE ON THE PETITION OF ETHEL BURCH AND GAIUS BOUGHTON, AUTHORIZING NATHANIEL BISHOP, ESQ., AND ENOCH W. THAYER, ESQ., TO LICENSE THEM AS RETAILERS.

On the Petition of Ethel Burch and Gaius Boughton praying to be licensed as retailers.

*Resolved*, for reasons set forth in said petition, that Nathaniel Bishop Esq. of Richmond and Enoch W. Thayer Esq. of West Stockbridge, be authorised to license the said Ethel Burch and Gaius Boughton as retailers in the Town of West Stockbridge, until the next Term of the Court of General Sessions of the Peace in and for the county of Berkshire, they producing the ordinary certificate of the Selectmen of said Town, of their respective qualifications.

*June 11, 1805.*

### Chapter 17.

RESOLVE AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWN OF BATH.

On the petition of Nathaniel Coffin & others.

*Resolved* that his Excellency the Governor with advice of the Council, be and he is hereby authorised & requested to raise by voluntary enlistment, a company of Light Infantry in the town of Bath, in the first Regiment, first Brigade, & Eighth Division of Militia of this Commonwealth, which company shall be annexed to said Regiment, Brigade, & Division, subject however to such rules regulations, & restrictions, as are or may be provided by Law for regulating and governing the Militia of this Commonwealth.

*June 11, 1805.*

### Chapter 18.

RESOLVE AUTHORIZING THE GOVERNOR, WITH ADVICE OF COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWN OF BROOKFIELD.

On the Petition of Seth Banister Junr. and others, praying for the establishment of a Company of light Infantry in the Town of Brookfield, in the third Regiment, Second Brigade & Seventh Division of the Militia of this Commonwealth.

*Resolved*, That the Commander in Chief be, and he hereby is empowered to raise, by voluntary enlistment, a Company of Light Infantry in the Town of Brookfield, in the third Regiment, second Brigade & seventh Division of the Militia to be annexed to, and subject to the orders of the Officers of, said third Regiment—and to be subject to all the Laws and regulations for the government of similar military corps, in this Commonwealth. *Provided* that neither of the standing companies in said Town shall thereby be reduced to a less number than Sixty four effective privates.

*June 11, 1805.*

### Chapter 19.

RESOLVE AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWN OF DARTMOUTH.

On the petition of Laban Thatcher & others.

*Resolved* for reasons set forth in said petition that the Governor with advice of the Council be authorised & requested to raise by voluntary enlistment a company of Light Infantry in the town of Dartmouth, in the 2d Regiment, in the 2d Brigade, and 5th Division of the Militia, which Company shall be annexed to said Regiment, Brigade and Division, and shall be alike subject to the orders & di[s]cipline of the Commandant of the said second Regiment, as the other companies of said Regiment.

*June 11, 1805.*

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### Chapter 20.

RESOLVE AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWN OF NEW BEDFORD.

On the petition of Paul Swift junr. and others.

*Resolved* for reasons set forth in said petition, that his Excellency the Governor with the advice of the Council be, and he is hereby authorised and requested to raise by voluntary enlistment, a company of Light Infantry, in the town of New Bedford in the 2d Regiment, in the 2d Brigade, & 5th Division of Militia of this Commonwealth, which company shall be annexed to said Regiment Brigade and Division, subject however to such rules regulations, & restrictions, as are or may be provided by Law for regulating & governing the militia of this Commonwealth.

*June 11, 1805.*

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### Chapter 21.

RESOLVE AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWN OF BUCKSTOWN.

On the Petition of Jotham Moulton and others.

*Resolved* for reasons set forth in said Petition that the Governor, with the advice and consent of the Council, be, and he hereby is, authorized to raise by voluntary enlist-

ment a company of Light Infantry out of the company in Buckstown in the County of Hancock & such other companies in the first Brigade and tenth Division of the Militia of this Commonwealth as shall contain more effective privates than by law are required, by the name of the Buckstown Light Infantry Company, to be annexed to the first Regiment & first Brigade in the tenth Division of the Militia of this Commonwealth and subject to such rules and regulations as are or may be provided by law for the Government of said Militia.

*June 11, 1805.*

## Chapter 22.

RESOLVE ON THE PETITION OF JOSIAH HANNUM AND JOHN WELLS, DISCHARGING THEM FROM RECOGNIZANCES.

On the petition of Josiah Hannum and John Wells both of Williamsburgh in the County of Hampshire setting forth that on the seventeenth of Octo. 1803 they entered into recognizances to the Commonwealth in the sum of one hundred & fifty Dollars each as sureties for the appearance of one Samuel Day then of said Williamsburgh at the Court of General Sessions of the peace to be holden at Northampton in said County on the second Monday of January then next — that the said Day did not appear at the said Court & thereby the said Hannum & Wells have forfeited their said recognizances to the use of the said Commonwealth — and that suits are now pending on their said recognizances against them and praying that the said forfeitures may be remitted to them upon paying all Costs.

*Resolved* for reasons set forth in the petition that the prayer thereof be granted and that the said Hannum & Wells be discharged from their said recognizances, upon paying all the Costs of the prosecution against said Day — and also the costs of the actions of *Scire facias* against them — upon Condition however that the prosecutor Abner Williams first release and discharge the said Hannum and Wells from all recognizances made by them on his behalf — and also upon this further condition that the full amount of a certain note or notes which were Delivered by said Day to said Wells at the time he entered into said recognizances in part for his said Wells' Security (which notes amount to the sum of one hundred & sixty Dollars) — shall be applied to the payment of the Costs aforesd. *provided* the said Costs amount to the full sum of the notes afores'd.

*June 11, 1805.*

**Chapter 23.**

RESOLVE ON THE PETITION OF SUBMIT WAMSQUAM, AUTHORIZING THE TRUSTEES OF THE GRAFTON OR HASSANAMISCO TRIBE OF INDIANS TO APPLY CERTAIN MONIES IN THEIR HANDS TOWARD HER SUPPORT.

On the petition of Submit Wamsquam praying that the Trustees of the Grafton or Hassanamisco tribe of Indians, might be directed to apply the monies in their hands belonging to the petitioner for her more comfortable support.

*Resolved* for reasons set forth in said petition That the said Trustees be and they hereby are authorized and directed to apply the money in their hands belonging to the said Submit Wamsquam for her comfortable support from time to time as her circumstances and necessities shall require. And that a Resolve passed the house of Representatives in June A. D. 1803 directing the said Trustees to pay over to Aaron Peirce of Grafton all the money in their hands belonging to the said Submit Wamsquam, be and the same is hereby repealed.

*June 12, 1805.*

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**Chapter 24.**

RESOLVE ON THE PETITION OF SIMEON BARDWELL.

On the Petition of Simeon Bardwell, praying that Caleb Gannett & John Mellen, Esquires, Executors of the last will & testament of Thomas Brattle late of Cambridge in the county of Middlesex, Esquire, deceased, may be authorized to convey to him, the said Simeon, his heirs & assigns, by a good & valid deed of release & quit-claim all the right & title, which the said Thomas Brattle ever had in & to two third parts, in common & undivided, of a Tract of land in Belchertown in the county of Hampshire, bounded & described as follows, to wit: Bounded East, on Swift-River, so called; South, on land conveyed by Jonas Holland to Aaron Lyman, West, on land of Enoch Thayer, in part, and partly on land of Cyril Carpenter; & North on land of Elijah Nichols, with the appurtenances, containing one hundred & forty seven acres, more or less; setting forth, that the said Simeon bargained with said Thomas Brattle, in his life time, for the premises, gave securities for the same, but never received any deed

thereof; the said Caleb Gannett & John Mellen, Executors as aforesaid, consenting thereto, & joining in said prayer.

*Resolved*, that the prayer of said Petition be granted; and that the said Caleb Gannett & John Mellen, Esqrs. Executors of the last will & testament of said Thomas Brattle, Deceased, be authorized, and they hereby are authorized to convey to said Simeon Bardwell, his heirs & assigns, by a good & sufficient deed of release & quit-claim, all the right & title, which the said Thomas Brattle ever had in the premises; to be as valid to all intents & purposes, as if the same deed had been made & executed by said Thomas Brattle in his life time. *June 12, 1805.*

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### Chapter 25.

#### RESOLVE ON THE PETITION OF WAITSTILL DEAN.

On the petition of Waitstill Dean of Raynham, in the County of Bristol, Widow, who is interested in the estate of Anna Dean late of said Raynham, single Woman, deceased intestate, shewing that administration on said Anna's Estate was granted to Job Dean of said Raynham, that said Job, on the third day of March in the year of our Lord One thousand Eight hundred, and one, presented to the Judge of Probate for said County of Bristol, his first account of Administration, and on the seventh day of September in the year of our Lord One thousand Eight hundred & two, presented to said Judge his second account of Administration, both of which accounts, were by the said Judge allowed, that said Waitstill, though interested as aforesaid in said estate, had no notice of the time of presenting and allowing of either of said Accounts; that said accounts contain charges, that ought not to be allowed, and that, if suffered to pass as they now are, great and manifest injustice will be done to all who are interested in said Estate, and praying for a remedy in this behalf—wherefore

*Resolved*, for reasons set forth in said petition, that the said Waitstill Dean, may, at any time before the first day of September next, enter an appeal from the decrees of the said Judge of Probate allowing said Accounts, to the Supreme Court of Probate then next to be holden at Taunton, in & for said County of Bristol, which appeal shall have the same effect, as if claimed and entered within one month from the time of making said decrees; *provided*

the appellant shall give bond, file the reasons of her appeal, and notify the adverse party, as required by Law in cases of appeal in the Probate Court.

*June 12, 1805.*

### Chapter 26.

RESOLVE ESTABLISHING SALARIES OF THE LIEUTENANT GOVERNOR, SECRETARY, AND TREASURER.

*Resolved*, that for one year from the 31st of May last, the sum of Five hundred and thirty three Dollars and thirty three Cents, shall be the pay of his Honor the Lieutenant Governor — to be paid out of the Treasury of this Commonwealth in quarterly payments, as the same shall become due. That there be allowed and paid out of the public Treasury of this Commonwealth to John Avery esqr. Secretary Eleven hundred forty nine Dollars, & twenty Cents, which, with Three hundred fifty Dollars and eighty Cents he has received in fees before the 31st day of May last, shall be in full for his services, as Secretary of this Commonwealth, for one year from the first day of June current, being at the rate of Fifteen hundred Dollars by the year, to be paid in quarterly payments. That from the first day of June current there be allowed & paid out of the public Treasury, to the Treasurer and Receiver General of this Commonwealth Fifteen hundred Dollars for his pay in that Office for one year, to be paid by quarterly payments.

*June 13, 1805.*

### Chapter 27.

RESOLVE ON THE PETITION OF MANNING AND LORING, REQUESTING THE GOVERNOR, WITH ADVICE OF COUNCIL, TO DRAW A WARRANT IN THEIR FAVOR FOR PRINTING THE PRIVATE AND SPECIAL ACTS.

On the petition of Manning & Loring praying that a Warrant on the Treasurer may issue in their favor, for printing One thousand setts of the private & special Acts of this Commonwealth.

*Resolved*, That his Excellency the Governor with the advice of Council be requested to draw a Warrant on the Treasurer in favor of Manning & Loring for the Balance that may be due to them, for printing One thousand setts of the private & special Acts of this Commonwealth, agreeable to a Contract made with sd. Manning & Loring the 16 Decr. 1803, by Peleg Coffin & John Davis Esqrs. in

behalf of this Commonwealth. *Provided*, That said Manning & Loring produce to the Governor & Council a Certificate from John Davis & John Avery Esqrs. that the said One thousand Setts are printed agreeable to said contract, & are deliver'd into the Office of the Secretary of this Commonwealth.

*June 13, 1805.*

### Chapter 28.

RESOLVE ON THAT PART OF THE GOVERNOR'S SPEECH RELATING TO A COMMUNICATION FROM THE GOVERNOR OF PENNSYLVANIA RESPECTING A PROPOSED AMENDMENT TO THE FEDERAL CONSTITUTION.

The Committee to whom was committed that part of his Excellency the Governor's Speech which relates to the Communication from the Governor of Pennsylvania have attended that Service. The letter from his Excellency Governor McKean inclosed copies of a distinct resolution of the Senate and House of Representatives of the Commonwealth of Pennsylvania approving an amendment to the Constitution of the United States which had been proposed by the State of Kentucky and requesting the concurrence and co-operation of the legislature of this Commonwealth in procuring the said Amendment. The object of the amendment is to exclude from the Judiciary Power of the Courts of the United States controversies between citizens of the same State claiming lands under grants from different States — controversies between citizens of different States — And controversies between citizens of a State and citizens or subjects of a foreign State. From the best investigation of the subject the Committee have been able to make, it appears to them, that in constructing the Federal constitution Provisions were necessary. To preserve harmony and confidence among the several States and their citizens respectively. To prevent all just causes of complaint by the Subjects of a foreign power not only against the United States, but also against the government of any of the States. And

To protect the Sovereignty of the United States against the Evils which might result from the combination of any of the States.

To effect these important objects it was expedient

To establish a federal judicial power.

To vest in the United States the exclusive authority to negotiate with foreign nations. And



To prohibit any compact or agreement between any of the States unless made with the approbation of Congress.

If controversies between citizens of the same State on claims to land granted by different States were to be settled by the Courts of the State where the lands are, there would be little confidence in the decision if against the validity of the grant of the State without whose jurisdiction the lands lie: and the State whose grants would be defeated might be obliged to make compensation to the grantees, or suffer the imputation of dishonesty & injustice.

The aggrieved State would have no peaceable mode of procuring redress. It would have within itself no power to make any compact or agreement for obtaining satisfaction. The United States would have no constitutional authority to grant relief: And retaliation or resistance by force and violence would be the only remedy.

Similar observations occur to the Committee when a citizen of one State may be injured by a citizen of another State. Without a federal judicial authority the party injured must seek his remedy in the Courts of the State of which the offender is a citizen. If no relief be obtained and by partiality or folly insult be added to injury, he will not have the consolation of complaining either to his own State or to the United States for neither have a constitutional right to interpose; and Private Revenge will be his only resource.

But by preserving the Constitution unmutated, an enlightened and impartial tribunal having the confidence of all parties will ultimately decide. Mutual harmony and confidence will continue: and the Peace of the States and of their citizens will be secured by the wand of the Marshal.

If the Subjects of one Sovereign suffer injustice and oppression in the Courts of another the injured party may complain to his own Sovereign who may demand satisfaction of the Sovereign whose Courts have committed the Injury. If the complaint be well founded and satisfaction be refused, by the laws of Nations letters of reprisal might justly be issued against the effects of all the Subjects of the Sovereign who should unreasonably refuse redress. By the federal constitution if the Court of any State should injure or oppress a foreigner satisfaction can only be demanded of the Executive authority of the United States who cannot compel the offending State to repair the in-

jury, but compensation must be made out of the National Treasury, or the property of all the citizens may be exposed to reprisals and the Public Peace put in Jeopardy. It is consequently of great importance to the United States that their Constitution should provide a Judicature in which foreigners may seek redress for injuries committed by citizens. A fair and impartial trial will be obtained, under the authority of the Government which must be responsible for all injuries done to foreigners within its jurisdiction: and the public safety and prosperity will not be endangered by the real or supposed injustice and oppression of a State Court over which the United States have no controul either by directing the principles of decision, or by correcting any errors of judgment.

The Committee therefore believe that the powers of the Federal Judicial Courts which it is intended to extinguish by the ratification of the proposed amendment ought to be retained by those Courts — That those powers are essential parts of the federal constitution — and are necessary for preserving harmony and mutual confidence among the several States and for maintaining the Peace the Honour and the Justice of the United States.

Strongly impressed with these Sentiments the Committee ask leave to report the resolution which is annexed :

JNO. HEARD. *By Order.*

#### COMMONWEALTH OF MASSACHUSETTS.

Whereas an Amendment to the Constitution of the United States to confine the Judiciary Power of the Courts of the United States to cases in law and equity arising under the Constitution and Laws of the United States and treaties made or which shall be made under their authority — cases affecting Ambassadors other Public Ministers and Consuls — cases of admiralty and maritime jurisdiction — to controversies to which the United States shall be a party — and to controversies between two or more States — has been proposed by the Legislature of the State of Kentucky and approved by the Legislature of the Commonwealth of Pennsylvania, and the concurrence & co-operation of the legislature of this Commonwealth has been requested in procuring the said Amendment. — It is, after a due and respectful consideration of the same,

*Resolved* That it is inexpedient to agree to the said amendment :

And his Excellency the Governor is requested to transmit copies of this Resolution and copies of the foregoing report of the Committee to the Governors of Pennsylvania & Kentucky.

*June 13, 1805.*

### Chapter 29.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTIES OF MIDDLESEX, PLYMOUTH, BRISTOL, AND DUKES COUNTY, AND GRANTING A TAX TO EACH OF SAID COUNTIES.

Whereas the Treasurers of the Counties of Middlesex, Plymouth, Bristol & Dukes County, have laid their Accounts before the General Court for Examination, which Accounts have been Examined & allowed, — And Whereas the Clerks of the Courts of General Sessions of the Peace, for the said Counties, have Exhibited Estimates made by the said General Sessions of the Peace, of the necessary Charges likely to arise within the said several Counties, for the year Ensuing, and of the sums necessary to discharge the Debts of the said Counties : Therefore,

*Resolved*, that the following sums be, and the same are hereby granted, as a Tax for each County respectively, to be appropriated, assessed, paid, Collected, and applied, for the purposes aforesaid according to Law — viz — For the County of Middlesex, five thousand Dollars, for the County of Plymouth, Fifteen hundred Dollars, for the County of Bristol, Two thousand Dollars, & for the County of Dukes County, Eight hundred Dollars & four Cents.

*June 14, 1805.*

### Chapter 30.

RESOLVE APPOINTING A COMMITTEE TO EXAMINE AND ADJUST THE TREASURER'S ACCOUNTS AND EMPOWERING THEM TO DEFACE ALL REDEEMED NOTES, &c. ISSUED UNDER THE AUTHORITY OF THIS GOVERNMENT.

*Resolved* that the honble. John Coffin Jones & William Smith Esqrs. be a Committee to examine and adjust the Accounts of Jonathan Jackson Esquire Treasurer of this Commonwealth from the first of July one thousand eight hundred & four, to the thirtieth of June one thousand eight hundred & five, inclusively.

And the said Committee are directed and impowered to deface all Notes, and due Bills, orders or other obligations issued under the authority of this Commonwealth, by any Officer thereof, which have been redeemed by the Treasurer, during the time aforesaid — and to Report an Account of their proceedings at the next Session of the General Court.

*June 14, 1805.*

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### Chapter 31.

RESOLVE MAKING AN ALLOWANCE TO THE AGENTS FOR THE SALE OF EASTERN LANDS IN PAYMENT FOR THEIR SERVICES, AND DISCHARGING THEM OF MONIES RECEIVED AND DISBURSED BY THEM.

Whereas the Agents for the sale of the Commonwealth's lands in the District of Maine have exhibited an Account of their proceedings from the fourth of February one thousand eight hundred & three to the fifth of March one thousand eight hundred & five, wherein they acknowledge to have received the sum of twenty six thousand four hundred & three Dollars & eighty seven Cents — and that they have paid into the Treasury twenty three thousand three hundred fifty four Dollars, & thirty Cents — all which on examination appear to be well vouched and right cast, and there are now remaining in the hands of said Agents, three thousand forty nine Dollars fifty seven Cents : Therefore

*Resolved*, That there be, and hereby is allowed to John Reed Esquire and to the heirs of Peleg Coffin Esqr. deceased, Agents aforesaid, the sum of four thousand five hundred Dollars, to be in full for all their services as aforesaid for three years & nine months — and that the sum now remaining in their hands as aforesaid, be taken by them in part of the sum hereby allowed them.

*Be it further Resolved*, that there be allowed & paid out of the Treasury of this Commonwealth to said John Reed and to the heirs of said Peleg Coffin the sum of fourteen hundred & fifty Dollars & forty three Cents — which with the abovementioned sum now in their hands, is to be in full for their services as aforesaid — and that said Agents be and hereby are discharg'd from the sum of twenty six thousand four hundred & three Dollars & eighty seven Cents, which has been received by them as abovementioned.

*June 14, 1805.*

**Chapter 32.**RESOLVE ON THE PETITION OF EBENEZER LITTLE BOYD, AGENT  
OF JOHN PARKER BOYD.

On the Petition of Ebenezer Little Boyd, Agent to John Parker Boyd, Praying for an extention of the time for the payment of the balance due to the Commonwealth on the contract for Township Number one in the sixth Range of Townships lying north of the Waldo Patent, and west of Penobscot river.

*Resolved* for reasons set forth in said Petition, That upon the said John Parker Boyd or his assigns, paying into the Treasury of this Commonwealth the residue of the Principal and Interest due on said contract for said Township at or within Ninety days from the first day of this Present Month, the Agents for the Commonwealths land in the District of Maine, are hereby authorized and required to give a deed of said Township to the said John Parker Boyd or his Assigns, in the same manner as if the whole of the purchase Money had been paid at or prior to that time — any Act or Resolve to the Contrary notwithstanding.

*June 14, 1805.*

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**Chapter 33.**RESOLVE ON THE PETITIONS OF JAMES WHEELER, AMOS NEGUS  
AND EZRA LOOMIS.

On the petitions of James Wheeler and Amos Negus of a place called Zoar & the petition of Ezra Loomis Administrator of Moses Church.

*Resolved* for reasons set forth in said Petitions that the petition of the said James Wheeler & Amos Negus be so far granted as that the said James & Amos be exonerated and discharged from their Recognizances to this Commonwealth entered into the nineteenth day of July last before Azariah Eggleston Esq. & all suits thereon upon their paying the costs of the criminal prosecutions against the said Amos Eldridge and the costs of the several actions of *Scire facias* against them on said Recognizances & also upon their paying to the said Ezra Loomis Administrator of said Moses Church the sum of two hundred dollars.

*June 14, 1805.*

## Chapter 34.

RESOLVE ON THE PETITION OF ROSSETTER COTTON, ESQ. AND ELIZABETH HOLMES.

On the petition of Rossetter Cotton Esqr. and Elizabeth Holmes Widow, Executors to the last Will & Testament of Eleazer Holmes late of Plymouth in the County of Plymouth Gentleman deceased — praying that they may be authorised to convey by quitclaim to Jane Davie & to the heirs of Betey Doty deceased a peice of land as described in sd. petition.

*Resolved* for reasons set forth in said petition, that the prayer thereof be granted, and the said Rossetter Cotton and Elizabeth Holmes, both of Plymouth Executors to the last will & testament of Eleazer Holmes of said Plymouth Gentleman deceased, be and they hereby are authorised & Empowred to Execute a deed of release, of all the right tittle and Interest, that the said Eleazer Holmes deceased, had in two Sixth parts of one half part of a peice of pasture and mowing land in said Plymouth, being part of the same land, that he the said Eleazer deceased together with Ichabod Holmes purchased of one Elijah Chandler as by deed dated April third A. D. 1794, and recorded in the Registry of deeds for the County of Plymouth Book 76, folio 56 & 57, will appear. *Provided* that the abovesaid Jane Davie with Stephen Doty for himself & the heirs of his Wife, Betey Doty deceased, release and quit claim unto the heirs of the said Eleazer Holmes deceased, their right and Interest in the one half of a ten acre wood Lot in said Plymouth, being the same Lot that said Eleazers father (who is also deceased) with Ichabod Holmes purchased of Lemuel Morton Executor to the last will and testament of Lemuel Morton deceased as by deed dated January the Eleventh A. D. 1791 and recorded in the registry of deeds for said County of Plymouth in Book 70, folio 209 will appear.

The above Exchange being agreeable to an award of Referrees under a Rule of Submission entered into before Joshua Thomas Esqr. of said Plymouth dated the 21st May A. D. 1798, as by Certificate of said Joshua Thomas Esquire doth appear.

*June 14, 1805.*

**Chapter 35.**

RESOLVE ON THE PETITION OF ELISHA SIGOURNEY, EXTENDING TIME FOR SETTLEMENT OF CERTAIN TOWNSHIPS.

On the Petition of Elisha Sigourney, representing that he is now Proprietor of a Township of Land, in the County of Hancock being Number Two, in the sixth range of Townships on the west side of Penobscot river, & north of the Waldo patent; and also of one quarter part of the Township Number Two on the west side of Penobscot river, & north of the Waldo Patent, under conveyance from Charles Vaughan, to whom the same were sold by this Commonwealth in the year 1794, subject to the customary Conditions of Settlement, which for reasons set forth in the Petition have not been fulfilled, & praying for an extension of the time limited for the placing settlers thereon.

*Resolved*, that the further time of three Years from and after the passing of this Resolve be, and hereby is, granted and allowed, to the said Elisha Sigourney, or to whoever may be the owner of said Lands, for the purpose of making and completing the settlements on the aforesaid two Townships of Land, required by the Conditions of the original Grants thereof, any thing in the said original Grants to the contrary notwithstanding.

*June 14, 1805.*

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**Chapter 36.**

RESOLVE DIRECTING THE COMMITTEE APPOINTED TO CONTRACT FOR THE PRINTING A NEW EDITION OF THE PRIVATE AND SPECIAL ACTS TO INCLUDE THE ACTS TO THE PRESENT SESSION OF THE GENERAL COURT.

*Resolved* That the Committee appointed by a resolve of the ninth of February 1803 to contract for the printing a new Edition of the private and special Acts of the Commonwealth be and hereby are further directed to include in said Edition all such further acts of the above description which have been passed since the resolve aforesaid or may be passed during the present session of the General Court with an Index of the Contents of all the volumes in each volume to be arranged in such manner as said committee shall judge to be most usefull.

*June 14, 1805.*

**Chapter 37.**

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF CHESTER, APPOINTING EZRA STARKWEATHER AS ONE OF THE COMMITTEE TO SETTLE THE LINE BETWEEN THE TOWNS OF BLANDFORD AND CHESTER, AGREEABLE TO A RESOLVE PASSED 23<sup>d</sup> OF JUNE, 1797, AND DIRECTING THE COMMITTEE TO REPORT AT THE NEXT SESSION OF THE GENERAL COURT.

On the petition of the Selectmen of the Town of Chester in the County of Hampshire Stating that Nahum Eager Esq. one of the Committee appointed to Settle the line between the Towns of Blandford and Chester is Deceased and praying that the Vacancy may be filled in said Committee.

*Resolved* that Ezra Starkweather be Joined to the Committee in the room of Nahum Eager Esqr. deceased to Settle the line between the Towns of Blandford & Chester agreeably to a Resolve passed the 23<sup>d</sup> Day of June 1797 & that said Committee make a Report of their Doings thereon, to the next Sessions of the present Genl. Court.

*June 14, 1805.*

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**Chapter 38.**

RESOLVE GRANTING ADDITIONAL PAY TO THE TREASURER FOR PAST SERVICES AND ESTABLISHING HIS SALARY FOR THE CURRENT YEAR.

On the Memorial of Jonathan Jackson Esquire Treasurer and Receiver General of the Commonwealth, and for the reasons therein set forth.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth to the said Jonathan Jackson the sum of Fifteen hundred Dollars, which with his annual Salary for three years past is to be in full for his services in said Office during the said three years.

*And it is further Resolved*, that there be allowed and paid to the Treasurer and Receiver General for the current year the sum of Five hundred Dollars in addition to the Salary now by law established ; said five hundred Dollars to be paid in equal quarterly payments at the same times and in like manner as the said Salary is now by law payable.

*June 14, 1805.*



**Chapter 39.**

RESOLVE ON THE PETITION OF JAMES NOBLE LITHGOW, ESQ.,  
GUARDIAN, AUTHORIZING HIM TO CONVEY CERTAIN REAL  
ESTATE.

Upon the petition of James Noble Lithgow Esq. guardian to his minor children Alfred Lithgow, Llewellyn Lithgow, & Louisa Lithgow, stating, that Sylvester Gardiner late of Boston physician deceased, to whom the said minor children are heirs, covenanted to convey certain real estate, but died without making the conveyance.

*Resolved* for reasons set forth in said petition, That the said James Noble Lithgow guardian to the said minor children be, & he is hereby authorized & empowered to convey by deed or deeds duly executed to the proprietors of the Kennebec purchase from the late colony of New Plymouth, to hold in fee, & as tenants in common, & in the proportions they respectively hold in the said Kennebec purchase, all the right interest & estate of the said minor children in & to four certain tracts of land, lying in the county of Lincoln, which were conveyed by the proprietors of the said Kennebec purchase to the said Gardiner, by grants dated the 12th of December 1759, & the 11th day of February 1761, & the 16 Decr. 1761. *June 14, 1805.*

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**Chapter 40.**

RESOLVE GRANTING ADDITIONAL PAY TO MESSENGER TO GOVERNOR AND COUNCIL FOR PAST SERVICES AND ESTABLISHING HIS SALARY FOR THE CURRENT YEAR.

Upon the petition of William Gale praying an allowance because of the enhanced price of the necessaries of life.

*Resolved* That there be allowed & paid out of the treasury of this Commonwealth to William Gale the sum of two dollars & twenty five cents per day for his services as messenger to the Governour & Council from the first day of June current, instead of two dollars per day the sum which is now allowed.

*And be it further Resolved* that there be paid to the said Gale the sum of fifty dollars in consideration of the insufficiency of his pay for the last six months. And that his Excellency the Governor be and he hereby is authorized and empowered to draw his warrants on the treasury accordingly.

*June 14, 1805.*

**Chapter 41.\***

REPORT AND ORDER ON THE PETITIONS OF JOSIAH WESTOVER AND OTHERS, AND ABNER KELLOGG AND OTHERS, AND DIRECTING THE SECRETARY TO TRANSMIT A COPY OF THIS REPORT AND ORDER IMMEDIATELY.

The Committee of both Houses to whom were referred the several petitions of Jonah Westover & others, and of Abner Kellogg & others, praying for grants of land in Egremont & West Stockbridge, & to be quieted in their possessions of said lands, have attended that service, and ask leave to report, that the further consideration of said petitions be referred to the next session of this General Court, and that in the meantime the Commissioners appointed by a Resolve of February 21st. 1804 to take possession & make sale of the unappropriated lands within the county of Berkshire belonging to this Commonwealth, be directed to report what measures they have taken to obtain possession & sell the lands possessed by the petitioners or either of them, & to state the facts upon the claims of the said Petitioners — And the Secretary of this Commonwealth is directed to transmit a Copy of this report & order to the said Commissioners immediately.

All which is humbly submitted,

TIMO. CHILDS, *per order.*

In Senate, Read & accepted.

In the House of Representatives, Read & concurred.

*June 14, 1805.*

**Chapter 42.**

RESOLVE GRANTING AN ADDITIONAL SUM FOR THE PRESERVATION OF THE ISLAND CALLED NICKS'S MATE, IN BOSTON HARBOR.

*Resolved* that, in addition to the sum already granted for preserving Nick's Mate in the Harbour of Boston, there be allowed & paid out of the Treasury of this Commonwealth a sum not exceeding four thousand dollars, to the Treasurer of the Marine Society in Boston to be appropriated under the direction of the Superintendant of the works to be erected for preserving and purchasing Nick's

\* Taken from court record.

Mate, and to be accounted for by the said Treasurer — *Provided however* that no monies shall be paid out of the Treasury in virtue of this resolve untill his Excellency the Governor shall be satisfied that a title to the said Island shall have been obtained & vested in the Commonwealth.

*June 15, 1805.*

### Chapter 43.

#### RESOLVE FOR PAYMENT OF COMMITTEE ON ACCOUNTS.

*Resolved*, That there be allowed & paid out of the public Treasury of this Commonwealth, to the committee appointed to examine and pass on accounts, for their attendance on that Service during the present Session, the Sums annexed to their names, in addition to their pay as members of the Legislature, *vizt.* To the Honble. Thomas Hale Esq. Ten days the sum of Ten Dollars — to the Honble. John Farley Esq. nine days the sum of nine Dollars — to Stephen Monroe Esq. Ten days the sum of Ten Dollars — to Samuel Porter Esq. Ten days the sum of Ten Dollars — to Joseph Titcomb Esq. Ten days the sum of Ten Dollars — which Sums shall be in full for their services aforesaid.

*June 15, 1805.*

### Chapter 44.

#### RESOLVE MAKING ALLOWANCE TO THOMAS WALCUT.

*Resolved*, that there be allowed, & paid out of the Treasury, of this Commonwealth, to Thomas Walcut, One Hundred Dollars, for his Services in writing for the House of Representatives, he to be accountable for the said Sum.

*June 15, 1805.*

### Chapter 45.

#### RESOLVE ESTABLISHING THE PAY OF THE CLERKS IN THE TREASURER'S OFFICE.

*Resolved*, That there be allowed & paid out of the Treasury of this Commonwealth to Joseph Laughton & James Foster Clerks in the Treasury Office Three Dollars  $\text{p}$  Day each, during the time they have been or may be actually employed in said service from the first Day of June Inst. until the first Day of June Eighteen hundred & six.

*June 15, 1805.*

**Chapter 46.**

## RESOLVE ON THE PETITION OF SOPHIA MELLEN, ADMINISTRATRIX.

On the Petition of Sophia Mellen of Watertown in the County of Middlesex Administratrix on the estate of her late husband Leonard Mellen deceased;—praying that she may be empowered in her said Capacity to join with certain others mentioned in her said petition in the conveyance of certain lands to settlers in Township No. 4, in the fifth range of townships situated between Kennebeck and Penobscot rivers as covenanted by her late husband and others coobligors in an indenture made and concluded with Andrew Craigie bearing date the tenth day of March A.D. 1804.

*Resolved*, That the prayer of said petition be granted, and that the petitioner be and she hereby is empowered to join with the coobligors of her late husband in said Indenture in the conveyance of the same lands to the said settlers and to make and execute with them good and sufficient deed or deeds of conveyance to any and all the settlers entitled thereto—And she is hereby authorized to do and perform all things relative to carrying into full effect the covenants in the said Indenture contained respecting the conveyance of twenty four hundred and twenty acres of land to settlers as therein contained in as full and ample a manner as the said Leonard might do were he alive.

*June 15, 1805.*

**Chapter 47.**

## RESOLVE ON THE PETITION OF DAVID A. OGDEN.

Upon the petition of David A Ogden—relative to Land purchased of the State by Robert Morris Esquire.

Whereas the Honorable Oliver Wendell Esquire the only surviving Trustee appointed to hold certain papers relative to the sale of Land situate in the Genessee Country formerly owned by the state & purchased by Robert Morris Esquire, has the custody of sundry papers relating to said sale which the petitioner prays may be filed or deposited in the office of the Secretary of the Commonwealth, and it being proper from the interest which the Commonwealth has in said papers that the same should be so disposed of:

*Resolved*, That the Secretary of the Commonwealth be and he hereby is ordered to receive from the Honorable Oliver Wendell Esqr. the papers in his possession relating to said sale and to file or deposit the same in his office among other papers there deposited relating to said sale to said Morris.

*June 15, 1805.*

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### Chapter 48.

RESOLVE MAKING AN ALLOWANCE TO JACOB KUHN, MESSENGER TO THE GENERAL COURT.

*Resolved* that there be allowed and paid out of the Treasury of this Commonwealth, to Jacob Kuhn, Messenger of the General Court, the Sum of one thousand dollars, to enable him to purchase fuel, & such other articles as may be necessary for the use of said Court; and to carry into effect so much of the resolve passed March thirteenth, one thousand Eight hundred & five, as remains unexecuted — he to be accountable for the expenditure of the same.

*June 15, 1805.*

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### Chapter 49.

RESOLVE ESTABLISHING THE PAY OF THE CLERKS IN THE SECRETARY'S OFFICE.

*Resolved* that there be allowed and paid out of the treasury of this Commonwealth to Edward McLean, Edward Cazneau and Samuel J. Cazneau clerks in the Secretary's office three dollars pr. day during the time they have been or may be actually employed in Said service from the first day of June inst. untill the first day of June Eighteen hundred & six.

*June 15, 1805.*

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### Chapter 50.

RESOLVE FOR PAYMENT OF THE CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

*Resolved*, That there be allowed & paid out of the public treasury to Wendell Davis Esq. Clerk of the Senate, & to Nicholas Tillinghast Esqr. Clerk of the House of Representatives, the sum of one hundred & fifty dollars, each, in full for their services as aforesaid, the present session.

*June 15, 1805.*

**Chapter 51.**RESOLVE FOR PAYMENT OF THE ASSISTANT CLERK OF THE  
SENATE.

*Resolved*, that there be allowed and paid out of the public Treasury, to Samuel F. McCleary, assistant Clerk of the Senate, One Hundred Dollars, in full for his services the present Session of the General Court.

*June 15, 1805.*

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**Chapter 52.**RESOLVE MAKING AN ADDITIONAL ALLOWANCE TO JACOB  
KUHN.

*Resolved*, that there be allowed and paid out of the Public Treasury to Jacob Kuhn, Three hundred and fifty dollars, for the present year, commencing the thirtieth day of May last, to be in addition to the sum allowed him by a Resolve of March 26, 1793, establishing the pay of the Messenger of the General Court. *June 15, 1805.*

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**Chapter 53.**RESOLVE ON THE PETITION OF CHARLES BULFINCH, AUTHORIZ-  
ING THE TREASURER TO STAY EXECUTION.

On the Petition of Charles Bulfinch setting forth that in the Year of our Lord 1795 he purchased by contract of the Committee for the Sale of Eastern Lands Three Townships of Land, being townships number two in the seventh Range, number four in the eighth Range, & number four in the ninth range of Townships North of Penobscot River, & that at the last Session of the Supreme Judicial Court the Attorney General recovered Judgment against him for the amount due on the obligations given for said Land.

*Resolved*, for reasons set forth in said Petition, that the Treasurer of the Commonwealth be & he is hereby authorized & directed to stay the Execution issued on said Judgment until the first Monday in February next.

*June 15, 1805.*

**Chapter 54.**

RESOLVE ALLOWING FURTHER TIME TO THE SETTLERS IN THE TOWNS OF EASTPORT, BANGOR, AND HAMPDEN, TOWNSHIP NO. 2 IN THE FIRST RANGE, AND TOWNSHIP NO. 2 IN THE SECOND RANGE, NORTH OF THE WALDO PATENT, TO COMPLY WITH IMPOSED CONDITIONS.

Whereas there are several Settlers in the District of Maine who have not complied with the resolutions of the Legislature for quieting them, they having out stayed the time limited them in a Resolve passed the 19th Feby. 1803, and having been regularly returned by surveyors appointed for that purpose :

*Be it Resolved* that all the settlers in the Towns of Eastport, Bangor, Hampden, No. 2 in first Range and No. 2 in the second Range North of the Waldo Patent, be allowed untill the second Wednesday of the next session of the Present General Court, to comply with the conditions of said Resolve and that the Agents give them public Notice by publishing in the New England Palladium published in Boston and in all the Papers printed in the District of Maine, that unless they within the time above-mentioned pay the sums due on their lands, with Interest, they will be precluded from the benefits provided in the Resolve aforesaid.

*June 15, 1805.*

**Chapter 55.**

RESOLVE ON THE PETITION OF LEONARD JARVIS, AUTHORIZING THE ATTORNEY GENERAL TO STAY EXECUTION.

On the Petition of Leonard Jarvis seting forth, that the Government has recovered a Jud[*e*]gement and now hold an execution against him, and that it is wholly out of his power to discharge the same at Present.

*Resolved* for reasons set forth in said Petition That the Attorney General, or Treasurer of the Commonwealth be and he is hereby Authorized and directed to stay the execution aforesaid untill the first monday in February next.

*June 15, 1805.*

**Chapter 56.**

RESOLVE ON THE PETITION OF ROBERT G. SHAW, IN BEHALF OF THE HEIRS AND ASSIGNS OF FRANCIS SHAW, DECEASED.

On the Petition of Robert G. Shaw in behalf of the heirs & Assigns of Francis Shaw late of Boston deceased

praying that they may be confirmed in the Title of One hundred Acres of Land in Hampden in the County of Hancock.

*Resolved* For reasons set forth in the Prayer of said Petition, that the Agents for the Commonwealth's Lands in the District of Maine are hereby authorized & directed to give a deed of said Land, being Lot Numbered one hundred & thirteen in said Hampden, agreeably to a Survey & plan made by Ephraim Ballard by a Resolve of the General Court passed June 19th 1795, to the Heirs or the Assigns of the Heirs of the said Francis Shaw deceased which survey and plan is on file in the office of the Committee for the sale of Eastern Land. *June 15, 1805.*

### Chapter 57.

#### PAY ROLL, NO. 53.

The Committee on Accounts, having examined the several accounts they now present :

*Report*, That there are due to the corporations and persons hereafter mentioned, the Sums set to their names respectively, which, when allowed and paid, will be in full discharge of the said accounts, to the several dates therein mentioned.

Which is respectfully submitted,

THOMAS HALE *Per order.*

#### *Pauper Accounts.*

	Dolls.	Cts.
Amesbury, for boarding and clothing Jonathan Sidwell to May 18, 1805 . . . . .	78	80
Andover, for boarding and doctoring John Hogan to the time of his death including funeral charges . . . . .	19	45
Ames, Nathaniel, for doctoring Thomas Welch to Sept. 2, 1804 . . . . .	12	50
Brookfield, for boarding and doctoring, including funeral charges, William Johnson and boarding Luke Phiney to May 1, 1805 . . . . .	38	04
Buckland, for boarding nursing and doctoring John Wilkie to his death including funeral charges to June 1, 1805 . . . . .	100	65
Barre, for boarding and clothing John Christian Dandrick to June 8, 1805 . . . . .	22	60
Boxborough, for boarding and clothing John Kennady to June 1, 1805 . . . . .	31	36
Boston, for boarding and clothing sundry paupers to June 1, 1805 including funeral expences . . . . .	4395	60



	Dolls. Cts.
Cape Elizabeth, for boarding and clothing James Ramsbottom, and George Jahays to May 23, 1805	56 87
Charlton, for boarding and clothing Edward Madden to June 7, 1805	68 55
Cheshire, for boarding and clothing Ephraim Richardson to May 23, 1805	69 14
Chester, for boarding clothing nursing and doctoring Hannah Wilson & child to May 22, 1805	59 52
Colerain, for boarding and clothing William Wilson, Benjamin Cantrell & Rachal Carr, to May 21, 1805	84 26
Franklin, for boarding and clothing Elexander Rud to May 26, 1805	101 00
Falmouth, for boarding nursing and doctoring Edward Edwards to July 9, 1804	19 50
Freeman, Constant, keeper of the Almshouse in Boston, in full [for] his services to June 1, 1805	312 63
Framingham, for boarding and clothing Betsy Stephens child to May 26, 1805	38 00
Granville, for boarding and clothing including doctors bill for Thomas Williams and wife and Archabald Steward to May 1, 1805	147 70
Granby, for boarding and clothing Ebenezer Darwin and John Murry to May 27, 1805	52 01
Greenwich, for supplies for the widw. Herrington to May 23, 1805	17 22
Gloucester, for boarding clothing and doctoring sundry paupers to May 10, 1805	988 84
Hawley, for boarding clothing doctoring and funeral charges for William Lawrence to his death	52 68
Hodgskins, Joseph, keeper of the house of correction in Ipswich for boarding and clothing sundry paupers to June 7, 1805 including allowance made by the Court of Sessions to March 21, 1805	500 51
Hartshorn, Oliver, keeper of the Goal in Boston, for boarding sundry paupers, to June 10, 1805	115 71
Jackson, James, for doctoring the state paupers in the Alms house in Boston to May 15, 1805	400 00
Long Meadow, for boarding and doctoring John S. Spendler to May 24, 1805	21 61
Lenox, for supporting Christian Crow and Abraham Palmer to May 31, 1805.	47 70
Leyden, for supporting Jedediah Fuller and family to May 25, 1805	35 75
Lanesborough, for boarding and clothing Dent Harrison to May 31, 1805	74 81
Montague, for supplies for Joshua Searles and his family to May 14, 1805	28 77
Milton, for boarding and clothing Thomas Webster to June 11, 1805	18 00
Northfield, for boarding and clothing Niel McArther including doctors bill to May 26, 1805	26 11
Norwich, for boarding, nursing and doctoring Hannah Wilson to December 14, 1805	28 00
Newbury Port, for boarding and clothing sundry paupers to June 1, 1805	782 35
Newbury, for boarding and clothing sundry paupers including doctors bill to June 1, 1805	512 15

	Dolls. Cts.
Palmer, for boarding and clothing William Mendon to May 29, 1805,	28 75
Plymton, for boarding and clothing Hannah Mitchel to June 1, 1805	64 60
Princeton, for supplies for Sally Viner and her children to June 1, 1805	45 98
Re[a]ding, for boarding clothing and doctoring Samuel Baneroft to January 25, 1805 and Samuel North to February 11, 1805	162 89
Rutland, for boarding and clothing William Henderson to June 3, 1805	80 90
Swansey, for boarding and doctoring Deborah Blinkin and Emanuel Duship to May 25, 1805	43 86
South Hadley, for supplies for Peter Pendergrass to May 25, 1805	40 00
Sheffield, for boarding and doctoring William McGee to Jany. 1, 1805 and supplies for William Turner to Novr. 20, 1804	146 12
Salem, for boarding and supplies for sundry paupers to June 4, 1805	796 75
Tyringham, for supplies for Thomas Stows family to May 20, 1805	33 03
Vinal Haven, for supporting William Proctor to April 2, 1805	85 80
Windsor, for boarding Henry Smith and his wife to April 1, 1805	15 86
West Springfield, for boarding clothing and doctoring William Bell, Anna Patty, and two children of Sarah Felt to May 18, 1805	68 15
Williamstown, for boarding & clothing Morris Fowler and Rachel Galusha to May 22, 1805 and Abigail Livingston to Jany. 11, 1805 and John Livingston to the time of his death, including funeral charges	171 79
Washington, for boarding clothing and doctoring Phebe Clarke to May 24, 1805	59 50
Wiscaset, for boarding nursing and doctoring William McMonagal to May 24, 1805	165 80
Worcester, for boarding clothing and doctoring Peter Willard, Jack Melvin, Luke Durfey, John H. Barns to June 1, 1805 and Michael Clefford to his death including funeral charges	155 37
York, for boarding Edward Perkins and wife, Elizabeth Perkins Jacob Bickam and Edward Vaudy to June 1, 1805	111 49
Total pauper,	11635 06

*Militia Accounts.**Aid de Camps & Brigade Majors.*

	Dolls. Cts
To Stephen Dewey for expence of a court martial held at Great Barrington, Sepr. 1803, and June 1804, whereof was president, Colo. Elias Lee	56 51
To Barzillai Gannett in full for his services to May 16, 1805	71 96

*Adjutants Accounts.*

	Dolls.	Cts.
To Samuel Partridge Adj. in full for his services to May 1, 1805 . . . . .	13	14
To Stephen Davis Adj. in full for his services to June 20, 1805 . . . . .	7	52
To Cyrus Keith Adj. in full for his services to June 10, 1805 . . . . .	14	43
To Lemuel French Adj. in full for his services to June 10, 1805 . . . . .	23	00

*Artillery Accounts.*

To Jason Walker in full for his expences for horses to haul Artillery to Sepr. 11, 1804 . . . . .	11	17
To William Henshaw in full for his expences for horses to haul Artillery to February 17, 1805 . . . . .	7	39
To James Fales in full for his expences for horses for hauling Artillery to June 6, 1804 . . . . .	5	00
To Julia Smead (?) in full for his expenses for horses hauling Artillery to 6 June 1804 . . . . .	3	33
To Jonathan Burrows in full for his expenses for horses hauling Artillery to 25 May 1805 . . . . .	13	99
To Nehemiah May in full for his expenses for horses hauling Artillery, to September 1804 . . . . .	3	33
To Daniel Hays in full for his expenses for horses hauling Artillery to October 1804 . . . . .	16	00
Total Militia . . . . .	246	77

*Sheriffs Accounts.*

	Dolls.	Cts.
To Joseph Dimmick, in full for his services to 1 June 1805 . . . . .	6	40
To Simon Learned, in full for his services to 1 June 1805 . . . . .	106	40
To John Gardner, in full for his services to 1 June 1805 . . . . .	10	80
To Edmund Bridge, in full for his services to 1 June 1805 . . . . .	14	56
To Mason Shaw, in full for his services to April 1805 . . . . .	137	28
Total Sheriffs . . . . .	275	44

*Printers Accounts.*

	Dolls.	Cts.
To Peter Edes, publishing Acts & Resolves To 6 June 1805 . . . . .	16	67
To Eleazer A. Jenks publishing Acts and Resolves to 6 June 1805 . . . . .	33	33
To John Denio publishing Acts & Resolves To June 1, 1805 . . . . .	16	67
To Young & Minns, printers for the General Court To 8 June 1805 . . . . .	1311	45
Total Printers' . . . . .	1378	12

*Convicts Accounts.*

	Dolls.	Cts.
To Nathan Heard, keeper of the Goal in Worcester, for dicting Eli Page to 28 May 1805 . . . . .	31	66

	Dolls.	Cts.
To Oliver Hartshorn, Keeper of the Goal in Boston, for dieting Sundry convicts To 5 June 1805 . . . . .	424	24
Total Convicts . . . . .	455	90

*Miscellaneous Accounts.*

	Dolls.	Cts.
To the Guardians of the Dudley Indians, due them in full to 23 May 1805, which sum the Treasurer is directed to charge said Indians with, and to be deducted from the sum due to them, from the Commonwealth . . . . .	163	85
To Amos Lincoln for work & Materials repairing State House, to 10 June 1805 . . . . .	267	22
To Jonathan Hunnewell in full for materials & work on The Government House to April 1805 . . . . .	29	70
To Jeremiah Sprague in full for labour in repairing the State House, to June 6, 1805 . . . . .	42	55
To Samuel Sewall in full for revising the criminal laws & drawing bills for regulating the State Prison, &c. to March 22, 1805 . . . . .	140	00
To Nathan Dane in full for revising criminal law, draw- ing bills for regulating the State prison to March 22, 1805 . . . . .	120	00
To Jonathan Hastings in full for postage of publick let- ters to June 10, 1805 . . . . .	74	63
To Jacob Cuhn in full for a Ballance due to him for money expended over and above the amount of two grants made him June 23, 1804 of seven hundred dollars, and March 13, 1805 of five hundred dollars . . . . .	1199	78
To Silvenus Lapham for his services in assisting the Mes- senger to the General court in full To 15 June 1805 . . . . .	32	00
Total Miscellaneous . . . . .	2069	73

*Aggregate of Roll No. 53.*

	Dolls.	Cts.
Expense of State Panpers, . . . . .	11635	06
do. Militia, . . . . .	246	77
do. Sheriffs, . . . . .	275	44
do. Printers, . . . . .	1378	12
do. Convicts, . . . . .	455	90
do. Miscellaneous, . . . . .	2069	73
	16061	02

*Resolved*, that there be allowed and paid out of the public Treasury to the several corporations and persons mentioned in this Roll, the sums set against such corporations and persons names respectively, amounting in the whole to Sixteen thousand & Sixty one Dollars & two cents, the Same being in full discharge of the accounts and demands to which they refer.

*June 15, 1805.*

# RESOLVES

OF THE

## GENERAL COURT OF MASSACHUSETTS.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON *THURSDAY*, THE SIXTEENTH DAY OF *JANUARY*,  
*ANNO DOMINI*, 1806.

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1805. — *JANUARY* SESSION.

### Chapter 58.\*

ORDER REQUESTING THE SECRETARY TO INFORM HIS EXCEL-  
LENCY THAT THE HON. ANDREW P. FERNALD, ESQ. IS  
ELECTED AND QUALIFIED AS A COUNCILLOR.

*Ordered*, that the Secretary notify His Excellency the  
Governor, that the Hon. Andrew P. Fernald, has been  
Constitutionally elected and qualified as Counsellor to ad-  
vise His Excellency in the Executive part of Government  
for the current year. *January 16, 1806.*

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ANSWER OF THE HOUSE OF REPRESENTATIVES TO THE GOV-  
ERNOR'S SPEECH AT THE OPENING OF THE SESSION.

*May it please your Excellency,*

We readily acknowledge, that we are bound to entertain  
the most grateful emotions for the prosperity of our coun-  
try, especially when we compare our condition with that  
of most of the Christian nations of the earth.

We enumerate, among the causes of our gratitude, the  
peace with Tripoli. By this event our commerce in the  
Mediterranean is rendered more secure, and a number of  
our valuable citizens, languishing in ignominious slavery,  
have been restored to liberty, to their friends, and to their  
country. In the course of the operations, which have led  
to this desirable object we recognize, with pleasure, the  
undaunted bravery of our seamen; and the skill and enter-  
prize of their officers; we have seen them unappalled by

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\* Taken from court record.

the danger, and even certainty of death. These efforts, seconded by the co-operation of a land force, conducted by the distinguished courage, and persevering exertions of one of our citizens, have undoubtedly contributed to accelerate the pleasing event. We hope that when all the circumstances, which attended the pacification, shall have received publicity, it will be found to have been as honorable, and beneficial, as the state of things would permit.

Allied to the ocean by our agricultural industry, by our fisheries, and by our commercial genius, we cannot but feel the liveliest sensibility on the subject of our European relations. We know that rights which can be promptly and effectually defended are rarely assailed. With a respectable navy, (which can never be inimical to freedom) we connect, in our imagination, necessary protection to individual property, and the most desirable national importance; with its absence, we connect sufferings, losses, and humiliation. The aggressions which have occurred, may, we are officially informed, compel the American nation to sacrifice their laudable love of peace to the necessity of vindicating their rights by force. On such an occasion we confidently trust, that the citizens of the United States would have but one opinion; and should the Government find it necessary to commence the unpleasant contest with any foreign nation, all difference of political sentiment will be lost in the unity of the American character, and in the efforts of all to support the measures of their existing administration in the vindication of the national rights, and the Independence of our common country.

The State prison is a subject demanding serious attention, less because of the great expenditures, involved in that institution, than because of its effects and consequences in the community. It would be a source of just pride to the state if the practicability of removing turpitude, during the process of punishment, could be proved; and also that individuals can be returned to society as good subjects, who had been secluded from it for having forfeited their title to its privileges.

We concur with your Excellency in the nature and importance of the duties, which devolve on the Legislature, and in the mistaken policy of a frequent change in the Laws. We are persuaded that the Legislative power of a sovereign state should be exercised only of necessity;

and that the most pernicious exercise of it is such as must be immediately followed by statutes of substitution or repeal.

It is a cause of regret, that so many Laws have been thought expedient concerning the Judiciary; and of greater regret that still further provisions are indispensable. Touching this highly important branch of the Government, which is “the immediate and visible guardian of property, character, and life,” we trust we are assembled with new experience, & with the most patriotic dispositions. It is confidently believed, that the session will not close without an harmonious and ardent endeavour to remove the evils, which attend the administration of justice under the present System, and to releive the public from the excessive burthens, which accompany an appeal to the Laws for their remedial influence.

We are gratified in finding, that your Excellency’s opinion, on the late proposed amendment to the federal constitution, comports with the unanimous Vote of the Legislature. The changes, which are wrought by the lapse of time in the state of the nation, may make amendments unavoidable in that instrument, if a reciprocity in its benefits is to be secured to the union. The commendable jealousy of republicans justifies the belief, that proposals to amend, not grounded on such changes, are intended, not to perpetuate but to destroy. Such proposals must be regarded as masking designs, which the authors of them dare not avow; and as aiming at the existence of our Liberties, however fascinating and grateful may be the forms in which they approach.

It will occasion mingled regret and astonishment to those who shall read the history of our country, if they do not find in it, that our political liberty was preserved. — The fact of our having had the power to choose our own Government; our location on the globe; our means of information; our abundant resources; our religious toleration; our attachment to habits of virtue and piety; if these will not avail, there can be no hope of rational freedom. The history of our species has prepared us to expect, that in this country, as in others, which have been in the fruition of all the blessings of which human nature is susceptible, there would be men restless, dissatisfied, or dangerously ambitious. — But we are not prepared to believe, that such men, by themselves, or their agents, can

permanently incline us to listen to calumnies against the wisest and worthiest patriots; nor engage us to neglect, to abandon, & to revile the authors of our country's felicity. It is a melancholy truth, that the success of such designs has converted every Republic that we have known of into a frightful despotism. But as our institutions are different from all which have preceeded them; as our citizens are different from all who have lived under similar governments, we feel an assurance that the result of our political experiment will also be different. If we are deluded in these hopes; if the great body of the Community will not be influenced by such evidences, on this momentous subject, as govern them in all the common concerns of life; if it be their inclination to be deceived by those, who covet dominion over them, the patriotic, and the virtuous cannot avert their destiny. A continued exertion for the public benefit is, nevertheless, an imperious duty. If it should be without avail, consolation will be derived from the reflection, that posterity will form an impartial tribunal, and from the records of history will pronounce an unerring judgment on merit and demerit. A far higher consolation may be derived from feeling conscious that the actions of men are to be scanned where they will be had in remembrance as testimonials of title to unchangeable approbation or reproach.

We are deeply impressed with the inseparable connection of free governments with learning, piety, & virtue; and shall feel it an indispensable obligation to spare no exertions, individually & collectively, which may tend to their promotion. The University is especially under the patronage of the Legislature; and we entertain an expectation that the present official vacancy will be so filled as to increase its celebrity, and give occasion for the exercise of illustrious virtue and talents.

We doubt not a spirit of candor will govern during the session, and that we shall feel that our mission is to Legislate, and not to inflame party animosity.

The Tenor of your Excellency's life, and the uniform exertion of your abilities, while you have sustained a political relation to this people, assure us, that we shall have your concurrence in every measure, which will be conducive to the public welfare. *January 22, 1806.*



ANSWER OF THE SENATE TO THE GOVERNOR'S SPEECH AT THE  
OPENING OF THE SESSION.\*

*May it please your Excellency,*

We acknowledge, with gratitude to the Supreme Disposer of events, those circumstances of public prosperity, under which we are now assembled, and are deeply impressed with a sense of His goodness, the past year, in supplying abundantly the wants of the people and exempting them from that fatal sickness, which has visited several cities of the United States. We feel it to be our duty, relying upon the blessing of the Almighty, to use all the precautions, which experience or science may suggest, to prevent the return of this desolating disease.

The skill and intrepidity displayed by a citizen of this Commonwealth, which contributed so largely to the conclusion of a treaty with Tripoli and the emancipation of our Countrymen, have reflected honor upon the individual and increased the glory of our nation. These and other Acts of heroism recently exhibited by our fellow-citizens, together with the well equipped state of our Militia are sources of high satisfaction, at a time when we are informed by the Chief Magistrate of the United States, that the employment of force may be necessary in consequence of injuries from some of the nations of Europe.

It gives us pleasure to be informed that the State Prison is completed. The necessary arrangements concerning the regulations and management of it, claim & will receive our early attention.

To redress grievance, correct, strengthen & confirm the laws, and to make such new laws as the common good may require, is a duty enjoined upon us by the Constitution. While we make it our constant aim, to discharge this duty with fidelity and to adopt such measures as the public good may require, we shall be mindful of the suggestions made by your Excellency, that the laws may be too numerous, and that frequent alterations in them sometimes occasion greater evils than they were designed to remedy.

We are convinced that in order to accomplish any valuable purpose the measures of Government should be uniform and consistent; — that the laws should be well understood by the citizens, and their real tendency always known. Instead therefore of adopting visionary schemes,

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\* Taken from court record.

we shall listen to the voice of experience, and only apply substitutes for such existing regulations, as appears to be manifestly opposed to the public welfare.

We shall look, with a still more cautious eye, upon every innovation attempted to be made upon our national Constitution. The integrity, experience and extensive information discovered by the illustrious characters, who framed that valuable instrument, and the series of public prosperity enjoyed under it, entitle it to our highest veneration. Its excellence appears with still greater lustre, when compared with the ephemeral constitutions of many nations, which have flitted across the eye in rapid succession, and then sunk into total oblivion. We are not insensible that our form of Government, must be imperfect, as was the nature of its authors; be [*but*] we recollect at the same time that any proposed alteration, under the name of amendment is liable to the same imperfection.

Beleiving therefore that the principles of the constitution are as well adjusted as human infirmity will permit & that a small innovation may essentially pervert its original tendency, we shall exert ourselves to preserve it in its present form, except in cases where its operation shall be found to be extremely unequal and oppressive.

The testimony which your Excellency has expressed in favor of the resolutions adopted by the Legislature, when a proposed amendment in the national Constitution was disapproved of by them the last Session proceeding from a Statesman of great experience, and one, who, having been a member of the General Convention, must have known the principles on which the Constitution was formed, is highly pleasing to the Senate. The recollection, that so few among the nations, once enjoying the blessings of freedom, have retained their privileges is calculated to excite our attention to those causes which produced their destruction. Inconstancy & vice among the people are undoubtedly the prominent sources of this Calamity. The specious and restless, & still more frequently the unprincipled and ambitious, are ever ready to avail themselves of the common ardor for novelty, and by exhibiting false allurements to the thoughtless and uninformed, are frequently enabled to subvert the best established system of Government. Disappointed and bewildered in the pursuit of fancied improvements, which can never be obtained; finding that substantial good has been abandoned to pur-

sue an illusive phantom; chagrined and exhausted by fruitless exertion, the mind at length relaxes its efforts, & submits [and submits] to that absolute power, which, although [it] dissipates the visions of hope, at the same time relieves from the distress of anxiety. To prevent these evils it is necessary that knowledge should be generally diffused, industrious frugal habits formed, and pious and benevolent affections cultivated among the people.

That the advantages enjoyed by our fellow-citizens may be perpetuated, we shall do all in our power to increase the influence of virtuous manners and that the abilities of our youth to understand & assert their rights may be strengthened, [will] [we] shall cherish schools and seminaries of learning. The University of Harvard College placed by the Constitution under the peculiar patronage of Government, & endeared to us by the recollection of its great utility and the number of legislators and statesmen whose names are enroled among its sons, we shall consider as entitled to ample support and encouragement.

In the present, as in our former sessions, we shall endeavour to avoid all disputes tending to enflame the passions, and direct our views to the promotion of the public welfare. And so long as we follow the dictates of justice and impartiality, we hope to command the respect of those whose interested views or disappointed expectations may render them dissatisfied with our measures.

*January 21, 1806.*

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### Chapter 60.\*

RESOLVE ON THE PETITION OF NABBY WALES, ADMINISTRATRIX, EMPOWERING HER TO MAKE AND EXECUTE A DEED OF THE LAND MENTIONED.

On the petition of Nabby Wales of Bridgton in the County of Cumberland Administratrix of the Estate of Thomas Wales late of said Bridgton deceased, praying that she may be empowered, in her said capacity, to convey ten Acres of land described in said Petition to Benjamin Woodberry according to a bargain made by said deceased in the year one thousand seven hundred and ninety nine, and in his life time; he said Woodberry having paid the consideration thereof.

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\* Chapter 59 is a message from the Governor relative to the state of the Treasury and the ordnance and military stores of the state, and will be found among the messages.

*Resolved* that the prayer of said Petition for the reasons therein expressed, be granted; and that the Petitioner be, and she hereby is empowered to make and execute to said Benjamin his Heirs and Assigns a good and sufficient deed of all the right and title in and to said ten Acres of land which said Thomas Wales had at the time of his decease, and the same to convey in as full & ample a manner as the said Thomas could have done when living.

*January 25, 1806.*

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### Chapter 61.

RESOLVE ON THE PETITION OF JOSEPH CROWEL AND OTHERS.

On the petition of Joseph Crowel & others.

*Resolved* for reasons set forth in said petition, that Thomas Wheeler of Hardwick in the County of Worcester guardian of Joseph Crowel of said Hardwick, be authorized and he is hereby authorized to make and execute to Jeduthun Spooner of said Hardwick his heirs and assigns a good and valid deed of warranty of the real estate of the said Joseph in said Hardwick, which was conveyed by deed to him the said Joseph his heirs and assigns, by his Father Joshua Crowel of said Hardwick, for and upon such consideration, as shall be agreed upon by the said Thomas Joseph and Jeduthun; the same deed to be as valid to all intents and purposes, as though made and executed by said Joseph, before a guardian was appointed over him and his estate.

*January 25, 1806.*

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### Chapter 62.

RESOLVE ON THE PETITION OF STEPHEN CODMAN, EMPOWERING MRS. CATHERINE CODMAN TO EXECUTE A DEED OF THE LAND MENTIONED.

Upon the petition of Stephen Codman of Boston in the County of Suffolk praying that Catherine Codman of said Boston Widow and Guardian of the minor children of John Codman late of said Boston Esqr. deceased, may be authorized to convey to said Stephen Codman the right and title of said minors to a lot of Land on the Long Wharf in Boston aforesaid, agreeably to a contract for that purpose entered into between the said Stephen Codman, and John Codman Esqr. dated the first day of June A. D. 1802.

*Resolved* for reasons set forth in said petition that the prayer thereof be granted, and that Catherine Codman of Boston aforesaid widow and Guardian of Catherine Margaret Codman, George Codman, William Amory Codman, Francis Codman, Elizabeth Codman & Mary Ann Codman Minors and Children of said John Codman Esqr. deceased, be and hereby is authorized and empowered to execute & deliver a good and sufficient deed in fee simple to the said Stephen Codman of all the right & title which the said minors in right of their Father, have in and unto a certain Lot of Land with the appurtenances & priviledges thereof situated on the Long Wharf in Boston aforesaid, being the same Lot of Land which the said Stephen Codman conveyed to the said John Codman Esqr. deceased by deed dated the first day of June A. D. 1802 which is recorded in the records of deeds for said County of Suffolk Libo. 201 folio 100 whereon hath been erected by the said Stephen Codman a brick Store Numbred Seven.

*January 25, 1806.*

### Chapter 63.

RESOLVE ON THE PETITION OF HANNAH SEVERANCE, AUTHORIZING HER TO EXECUTE A DEED OF CONVEYANCE OF THE LAND MENTIONED.

On the Petition of Hannah Severance of Shelburne in the County of Hampshire Administratrix of the Estate of Solomon Severance late of sd. Shelburne, deceased, praying that she may be empowered to give & execute a Deed of a certain tract of land in Shelburne aforesd.

*Resolved*, for reasons set forth in sd. Petition, that the sd. Hannah be & hereby is authorized & empowered to make, execute & deliver, a deed of conveyance to Cephas Hoit of Deerfield in sd. County, his heirs & assigns of one half of a certain tract of land, situated in sd. Shelburne, & is the half of the same land which Jonathan Severance of sd. Shelburne by his deed conveyed to the sd. Solomon about three years before the decease of the sd. Solomon, & is that part thereof which the sd. Solomon, in his life time set off by meets & bounds to the sd. Hoit, & has been occupied & improved by the sd. Hoit unto the present time; which Deed shall be as good & effectual in law to convey the same land, as if made & executed by the sd. Solomon in his life time.

*January 27, 1806.*

### Chapter 64.

RESOLVE FOR THE DISTRIBUTION OF THE SPECIAL LAWS OF THE COMMONWEALTH AND THE LAWS OF THE UNITED STATES PASSED BY THE SEVENTH AND EIGHTH CONGRESSES.

*Resolved*, that the new Edition of the Special Laws of this Commonwealth be distributed in the following manner by the Secretary vizt. To the Clerk of each town or District and to the Assessors of each Plantation within this Commonwealth which pay a State Tax, one set for the use of such Town, District or Plantation; to each County Clerk of the Supreme Judicial Court, one set; to each Clerk of the Courts of Common Pleas and General Sessions of the peace, one set, for the use of their respective Courts within the several Counties; to each Judge of the Supreme Judicial Court, one set; to the Sheriff of each County and to the Judges of Probate in the several Counties one set each; to the Attorney General, Solicitor General, Quarter Master General and Adjutant General, one set each; to the President of the United States, the Senate & House of Representatives of the United States and for the Library in Congress, one set each; to the Chief Justice of the United States and to the two District Judges in this State, one set each; to the University of Cambridge, Williamstown and Bowdoin Colleges, to the American Academy of Arts and Sciences, and to the Historical Society, one set each; to His Excellency the Governor, His Honor the Lieutenant Governor, to each member of the present honorable Council, to the President & each member of the present Senate, to the Speaker & each member of the present House of Representatives of this Commonwealth, one set each; to the Treasurer, Secretary, Clerk of the Senate & Clerk of the House of Representatives, one set each.

SECT. 2. *Be it further Resolved*, that the Secretary is also hereby directed to deliver one Copy of the Laws of the United States of the second Session of the seventh Congress and one Copy of the first and second Sessions of the eighth Congress, to each of the aforesaid Towns and Plantations, and Clerks of the Supreme Judicial Court, Clerks of the Courts of Common Pleas & General Sessions of the peace, to each of the Judges of the Supreme Judicial Court, to each of the Judges of Probate and to each Sheriff in the several Counties, to the Attorney Gen-

eral, Solicitor General, to each Major General, the Quarter Master General and Adjutant General, to the University of Cambridge, to Williamstown and Bowdoin Colleges, the American Academy of Arts and Sciences and the Historical Society, to His Excellency the Governor, His Honor the Lieutenant Governor, each of the members of the present Honorable Council, to the President of the Senate and the Speaker of the House of Representatives and to each of the members of the present General Court, to the Treasurer, the Secretary, Clerk of the Senate & Clerk of the House of Representatives, who have not already received said laws.

SEC. 3. *And be it further Resolved*, that upon the death, resignation or removal from Office of either of the said Clerks of the aforesaid Towns or Districts or Law Courts, Judges of Probate, Sheriffs, Treasurer, or either of the Assessors of Plantations, Attorney General, Solicitor General, Major Generals, Adjutant General and Quarter Master General, he or his Executors or Administrators respectively shall be held and obliged to deliver over the same to his successor in Office, for the use of their several Offices.

*January 30, 1806.*

### Chapter 65.

#### RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE GENERAL COURT.

*Resolved* that there be allowed & paid out of the Treasury of this Commonwealth, to each member of the Council, Senate, & House of Representatives, two dollars *per* day, for each days attendance the present session, and the like sum for every ten miles distance, from their respective places of abode, to the place of sitting of the General Court.

*And it is further Resolved*, that there be paid to the President of the Senate, and Speaker of the House of Representatives, each two dollars *per* day for each and every days attendance, over & above their pay as members. And that there be allowed and paid to the Speaker of the House of Representatives the further sum of Eight Dollars, for four days Service in the chair, the last Session but one of the Legislature, in addition to his pay as a member at that time.

*January 31, 1806.*

**Chapter 66.**

RESOLVE ON THE PETITION OF JOSEPH BROWN, AUTHORIZING THE ADMINISTRATORS OF ANDREW BROWN TO EXECUTE A DEED OF THE LAND MENTIONED.

On the Petition of Joseph Brown of Petersham in the County of Worcester Esqr., stating that he was seized and possessed of a certain tract of land lying in common and undivided with his brother Andrew Brown late of Framingham in the County of Middlesex deceased, and situated in Petersham aforesd., the whole of which tract contains about one hundred and forty five acres more or less, with one half of a Grist and Saw-mill, with the privileges thereto belonging. And that previous to the death of the said Andrew a parole agreement was entered into between him and the said Joseph, that the said Andrew would sell and the said Joseph should purchase the said Andrew's right in said tract of land and Mills, at the value thereof estimated by men mutually chosen, who did estimate the same at the sum of four hundred and twenty five dollars, which was assented to by the said Joseph and Andrew, but that before any conveyance was made, or money paid, the said Andrew died. And praying that the Administrators of the said Andrew may be impowered to carry said Agreement into effect; And the facts set forth in said petition appearing to be true and no objections of any concerned being offered.

*Therefore, Resolved* that the said Administrators be and they hereby are authorised and empowered to make and execute to the said Joseph Brown a good and sufficient deed, thereby conveying to him, his heirs & Assigns in fee simple, all the said Andrews right in the before-mentioned tract of land, Mills & privileges, whereof he died seized, on his the said Joseph paying to them said Administrators the aforesaid Sum, the estimated value thereof, which shall be accounted for by said Administrators as the personal estate of said deceased; which deed so made shall be valid to all intents and purposes whatever, as if the same had been made by the said Andrew in his life time.

*February 4, 1806.*



**Chapter 67.**

RESOLVE ON THE PETITION OF EDWARD McLANE, GRANTING HIM AN ADDITIONAL ALLOWANCE FOR HIS SERVICES IN THE SECRETARY'S OFFICE.

On the Petition of Edwd. McLane first Clerk in the Secretary's office praying for an addition to his Salary.

*Resolved* that Eighty four Cents pr. day be allowd. & paid to Edwd. McLane out of the Treasury of this Commonwealth, in addition to the Sum allowd. in the Resolve passed the 15 day of June last, during the time he has been, or may be employed in said office, from the first day of June Eighteen hundred & five, untill the first day of June Eighteen hundred & six. *February 4, 1806.*

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**Chapter 68.**

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWNS OF BLANDFORD, CHESTER, AND RUSSELL, APPOINTING A COMMITTEE TO REPAIR TO SAID TOWNS TO ADJUST AND ESTABLISH THE LINES BETWEEN THE SAME.

On the Petition of the Select Men of the Towns of Blandford, Chester, & Russell in the County of Hampshire, setting forth that there is a dispute respecting the lines between said Towns.

*Resolved* that Thomas Dwight Ezra Starkweather & George Bliss Esquires — be a Committee to repair to the said towns of Blandford, Chester & Russell; who after giving seasonable Notice to the Select Men of each of said Towns, shall proceed to Adjust & establish the lines between said Towns at their expense; and said Committee shall make report as soon as may be to any succeeding General Court of this Commonwealth.

*And be it further resolved* that all former Committees appointed for the purposes aforesaid be and the same are hereby discharged. *February 4, 1806.*

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**Chapter 69.**

RESOLVE ON THE PETITION OF ELIJAH HALL, ONE OF THE MANAGERS OF THE PISCATAQUA BRIDGE LOTTERY, EXTENDING TIME ALLOWED FOR SALE OF TICKETS.

On the Petition of Elijah Hall one of the Managers of the Piscataqua Bridge lottery, representing the great use

of said bridge to the people of this Commonwealth & praying for an extension of the time for the sale of tickets in said Lottery within this Commonwealth.

*Resolved*, That the Managers of said Lottery and their Agents be and they are hereby authorized and permitted to sell their tickets in said Lottery, to any person or persons within this Commonwealth for one year and no longer any Law to the contrary notwithstanding. *Provided* that nothing in this resolve shall authorize said managers to sell any of said tickets within this Commonwealth after there shall have been raised by the sale thereof the sum of Fifteen thousand Dollars which the Managers of said Lottery were authorized to raise by an act of the Legislature of the State of New Hampshire passed the twenty fourth day of December in the year of our Lord One thousand Eight Hundred & three.

*February 4, 1806.*

## Chapter 70.

RESOLVE ON THE PETITION OF JONATHAN SMITH, JUN., DIRECTING THE SECRETARY AND TREASURER TO WITHDRAW A WARRANT DRAWN IN FAVOR OF ENOCH ROSE AND PLACE HIM ON THE LIST OF SOLDIERS ENTITLED TO LAND.

On the petition of Jona. Smith Junr. Setting forth that a certificate, he by request handed to the Secretary of this Commonwealth, in favor of Enoch Rose, late a Soldier in the revolutionary army, whereby he (sd. Rose) was entitled to twenty Dollars in money; or two hundred acres of land—And that the Secretary, by mistake, placed said Rose on the list for money instead of that for land: which was contrary to the wish of Enoch Rose, only child of the said Enoch Rose deceased: and that a warrant has been drawn for the money. Therefore, for reasons set forth in said Petition,

*Resolved* that the Secretary & Treasr. be authorised to return said warrant for money; and place the said Enoch Rose on the list for land.

*February 6, 1806.*

**Chapter 71.**

RESOLVE ON THE PETITION OF SALMON WHITE AND MARY WESTON, AUTHORIZING THEM TO EXECUTE A DEED OF THE LAND MENTIONED.

On the petition of Salmon White and Mary Weston administrators on the Estate of Samuel Weston late of Canaan in the County of Kennebec Esqr. deceased praying that they may be authorized to make and execute a Deed of Conveyance of certain land to John Hood of said Canaan. Also a Deed of Conveyance of certain land to Samuel Varnum of sd. Canaan.

*Resolved* that the said Salmon White and Mary Weston be and they are hereby authorized to make and execute a Deed of conveyance to John Hood of Canaan of about seventy Acres of land off of the south easterly corner of Lot number forty one on the east side of Kennebec River in sd. Canaan. Also a Deed of conveyance to Samuel Varnum of Canaan of lot number thirty six in sd. Canaan on the east side of sd. Kennebec River.

*February 7, 1806.*

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**Chapter 72.**

RESOLVE ON THE PETITION OF DAVID SMITH AND OTHERS, AUTHORIZING THE INHABITANTS OF THE TOWN OF HOLDEN TO DISPOSE OF CERTAIN LANDS AND EMPOWERING THE COMMITTEE CHOSEN TO EXECUTE A DEED OF THE SAME.

On the petition of David Smith and others, a Committee in behalf of the Inhabitants of the Town of Holden in the County of Worcester — praying for liberty to sell and dispose of their Ministerial and school Lands in said Town, and appropriate the proceeds arising from the sales thereof to the particular uses for which they were given.

*Resolved*, for reasons set forth in said petition, that the prayer thereof be granted, and that the said Inhabitants, be, and they are hereby empowered to make sale of said Lands, — and the Committee Chosen by said Town for that purpose, are empowered in their said Capacity to make and Execute good and sufficient Deeds to pass the same — And the money arising by the sales of said Lands shall be put out on Interest — and the annual interest arising on the amount of said sales, shall be applied for the support of the Ministry, and schools, in said Town, agreeable to the original design — any Law to the Contrary notwithstanding.

*February 7, 1806.*

**Chapter 73.**

RESOLVE ON THE PETITION OF JONATHAN PECK AND OTHERS, AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWNS OF REHOBOTH AND SWANSEY.

On the petition of Jonathan Peck & others.

*Resolved* that his Excellency the Governor, with advice of Council, be & he is hereby authorised and requested to order a company of Light Infantry to be raised by voluntary enlistment, in the towns of Rehoboth & Swansea, to be attached to the first Regimt. in the second Brigade, & fifth division of the Militia, subject to all such rules & regulations, as are or may be, by Law provided, for the government of the Militia of this Commonwealth. *Provided* that the standing companies, in the said towns of Rehoboth & Swansea shall not be thereby reduced below the number of sixty four privates. *February 7, 1806.*

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**Chapter 74.**

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF HANCOCK AND GRANTING A TAX.

Whereas the Treasurer of the County of Hancock has laid his account before the Genl. Court for examination, which account has been examined and allowed: And Whereas the Clerk of the Court of General Sessions of the Peace for the said County of Hancock, has exhibited an estimate, made by the said Court of the necessary charges which may arise, within the said County, for the year ensuing, amounting to Two Thousand, Seven hundred, and eighty two Dollars.

*Resolved* that the said sum of Two thousand Seven hundred & eighty two Dollars, be & hereby is granted as a tax for the said County of Hancock for the year ensuing, to be apportioned, assessed, paid, collected, & applied, for the purposes aforesaid, according to Law.

*February 8, 1806.*

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**Chapter 75.**

RESOLVE APPORTIONING TAXES ON THE TOWNS OF HARWICH AND BREWSTER.

Whereas it is provided in the Act dividing the Town of Harwich in the County of Barnstable and incorporating

the Northerly part thereof into a Separate Town by the name of Brewster, that after two years from the date of said Act State taxes shall be Levied on the two towns in Such proportion as shall then result from the Removal of Polls and estates from the north parish to the South — therefore

*Resolved* that from and after the passing this resolve the Town of Harwich shall stand in the Valuation of polls and estates one dollar and Sixty Six cents, and the Town of Brewster at one dollar and nineteen cents on the thousand dollars and be taxed in that proportion in all future state taxes untill a new Valuation.

*February 8, 1806.*

### Chapter 76.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF MONSON, AUTHORIZING THE COURT OF SESSIONS TO GRANT THEM A SUM OF MONEY FOR THE PURPOSES MENTIONED.

Upon the Petition of the Select men of the Town of Monson Stateing that a County Road has Lately been Laid out through that Town : And Praying that the Justices of the Court of Sessions for the County of Hampshire may be Authorised to make them a Suitable grant for their Indemnification on makeing the Same.

*Resolved* for the Reasons Set forth in Said Petition that the Said Court be and hereby are Authorised at any stated term of their Seting to make a grant to Said Town of Such Sum of money as they may think proper for the Purposes aforesaid to be paid out of the Treasury of Said County.

*February 10, 1806.*

### Chapter 77.

RESOLVE ON THE PETITION OF SOLOMON VOSE AND OTHERS, AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWN OF AUGUSTA.

On the Petition of Solomon Vose & others.

*Resolved*, For reasons set forth in Said petition, that his Excellency the Govenor, with Advice of Council, be And he is hereby authorised to Establish by voluntary enlistment, a Company of Light infantry, in the Town of Augusta, in the County of Kennebeek, in the first Regiment, Second Brigade, and Eighth Division of the Militia

of this Commonwealth, To be annexed to the Said First Regiment, and Subject to all such rules and regulations, as are or may be provided by Law, for regulating and Governing the Militia of this Commonwealth: *Provided*, that neither of the Standing Companies in Said Town of Augusta shall thereby be Reduced below the number required by Law.

*February 10, 1806.*

### Chapter 78.

RESOLVE ON THE PETITION OF JOHN LEVERETT, AUTHORISING HIM, AS GUARDIAN TO CERTAIN MINORS, TO SELL THE SHARES OF LAND MENTIONED.

On the petition of John Leverett Esqr. of Windsor in the County of Windsor in the State of Vermont, Parent and Guardian of John Leverett 3d. Thomas Leverett & Hannah Leverett children and Minors of him the said John, praying that he the said John may be licenced to sell the shares of certain real Estate of said Minors situated in the Town of Boston in the County of Suffolk — bounded Southwardly on May street Easterly on Hancock Street & Westerly on Belknap Street

*Resolved* for reasons set forth in said petition that the said John Leverett Parent & Guardian aforesaid, be and he hereby is Authorized to sell the said shares of land at private sale, for the most the same will bring and to make and execute a good & Sufficient Deed or Deeds of the same — He the said John first giving bonds with sufficient surety or sureties to the Judge of Probate for the County of Suffolk in such sum as said Judge shall direct — conditioned that he will act faithfully & impartially in all things touching the premises — and will account for the proceeds of the sale thereof as the Law in such cases provides.

*February 10, 1806.*

### Chapter 79.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF HAMPSHIRE AND GRANTING A TAX.

Whereas the Treasurer of the County of Hampshire has laid his accounts, before the General Court in the manner prescribed by Law, which accounts, are hereby allowed: And Whereas the Clerk of the Court of General Sessions of the Peace for the said County of Hampshire, has

exhibited an estimate, made by the said Court of the necessary charges, which may arise in the said County for the year ensuing, amounting to Four thousand Dollars.

*Resolved* that the sum of Four thousand Dollars, be & hereby is granted as a Tax for the said County of Hampshire, for the year ensuing, to be apportioned, assessed, collected, paid, & applied, for the purposes aforesaid, according to Law.

*February 12, 1806.*

### Chapter 80.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWNS OF REEDFIELD AND WAYNE, MAKING AN ALTERATION IN THEIR RESPECTIVE VALUATIONS.

On the petition of the Select Men of the Towns of Reedfield and Wayne in the County of Kennebeck praying for an alteration in their Valuation.

*Resolved* for reasons set forth in said petition that there be taken from the Valuation of the Town of Reedfield eight cents and placed to the Valuation of the Town of Wayne.

*February 12, 1806.*

### Chapter 81.

RESOLVE ON THE PETITION OF MILTON STRATTON AND OTHERS, AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWN OF FOXBOROUGH.

On the petition of Milton Stratton & others, of the First Division, second Regt. second B[r]igade of the Militia of this Commonwealth, praying they may be permitted and Authorized to raise a Company of Light Infantry within the Town of Foxborough.

*Resolved*, That the Govenor by and with the advice of the Council be Authorized & empowered to establish a Company of Light Infantry in the town of Foxborough in the second Regt., second Brigade, & first Division of the Militia of this Commonwealth, which Company when raised is to be annexed to said second Regt. and subject to such rules & regulations, as are or may be prescribed by law for regulating the Militia of this Commonwealth, *provided* the forming of said Company shall not, in its operation, reduce the present established Militia company in said town of Foxborough below the number prescribed by Law.

*February 12, 1806.*

### Chapter 82.

RESOLVE ON THE PETITION OF JACOB CLARK AND OTHERS, AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, TO RAISE A LIGHT INFANTRY COMPANY IN THE TOWN OF DEDHAM.

On the petition of Jacob Clark & others praying for leave to raise a light Infantry company in the town of Dedham in the County of Norfolk.

*Resolved* that the Governor with the consent of Council be and is hereby authorized to raise by voluntary enlistment a company of light Infantry in the town of Dedham out of the Company in the old Parish in Dedham *provided* the standing company in said Parish shall not be reduced below the number of sixty four rank and file when so raised to be annexed to the first regiment Second Brigade and first Division of Militia of this Commonwealth and subject to all such rules regulations & restrictions as are or may be provided by law for the government of the Militia of this Commonwealth. *February 12, 1806.*

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### Chapter 83.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWNS OF CHATHAM AND ORLEANS.

On the petition of the Selectmen of the Towns of Chatham and Orleans praying that a mistake in the Report of a Committee appointed by the General Court in the year one thousand Eight Hundred to Ascertain & settle the Boundary Line between the said Towns of Chatham and orleans may be rectified.

*Resolved* for Reasons Sett forth in Said petition that the first Course in the Report of the said Committee which bears North Seventy two Degrees and a half East Shall be Considered and taken to be South Seventy two Degrees and a half East any thing in the Said Report to the Contrary not withstanding. *February 13, 1806.*

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### Chapter 84.

RESOLVE GRANTING 200 DOLLARS TO SAMUEL FLINT AS A COMPENSATION FOR PARTIAL LOSS OF SIGHT.

On the Petition of Samuel Flint, a Soldier, in Captain John Feltons Company, of the fifth Regiment, First Brigade and Second Division, Shewing that on the tenth day



of October last, while performing Military Duty, he was wounded by the discharge of a Musquet, in consequence whereof he has been for a Considerable time deprived of the means of supporting himself by reason of the partial loss of his sight, has entirely lost the use of his Right Eye, has been at Considerable expence for Surgical assistance, is very poor and has a family to Support, and praying for such Relief as has been granted in Simelar Cases.

*Resolved* that the prayer of the Petition be so far granted, as that there be paid out of the Treasury of this Commonwealth, to the said Samuel Flint the Sum of Two hundred Dollars, as a compensation for his expences in Doctering, nursing and Boarding Loss of time and Loss of his eye sight.

*February 13, 1806.*

### Chapter 85.

RESOLVE ON THE PETITION OF THE SELECTMEN AND OVERSEERS OF THE POOR OF THE TOWN OF WESTBOROUGH, MAKING PROVISION FOR THE SUPPORT OF SARAH COOK.

*Resolved*, for reasons set forth in the petition of the Selectmen & overseers of the Poor of the Town of Westborough, that Sarah Cook who is represented to be an aged person, & Widow of Robert Cook, who went away & joined the British army at the commencement of the late Revolutionary War, and after the peace return'd back to this State with his Wife, where he continued, till he died in the Town of Ward, in the year of our Lord one thousand seven hundred & ninety seven—that she said Sarah Cook be and hereby is allowed to be one of the Paupers of this Common wealth, and that the Committee on Accounts, be and hereby are directed to allow said Town of Westborough, such sums from time to time, for her support as they shall judge to be necessary and reasonable, in conformity to the Laws of the Common wealth in such cases provided.

*February 14, 1806.*

### Chapter 86.

RESOLVE ON THE PETITION OF ANDREW MACE, GRANTING HIM A PENSION FOR THE LOSS OF HIS HANDS WHILE PERFORMING MILITARY DUTY.

On the Petition of Andrew Mace of Reedfield, praying for Relief from Government, for himself, and his family, under the Distressing Misfortune of loosing both his Hands, by the discharg of a peice of Artilery, while performing

Military duty under the Orders of his Commanding Officer, on the first Tuesday of May — 1804.

*Resolved* for Reasons set forth in said Petition, that there be allowed and paid out of the Treasury of this Commonwealth to Andrew Mace, the sum of twelve dollars a month from the time he received his wounds to the present day, and hereafter the same sum pr. month to be paid him semiannually untill the further order of the General Court.

*And be it further Resolved* that there be paid to the said Andrew Mace from the Treasury of this Commonwealth, the sume of one hundred an[d] fifty dollars, as a Compensation for his expence and Sufferings, while under the Care of his Phisicians.

*February 15, 1806.*

### Chapter 87.

RESOLVE GRANTING A TAX FOR THE COUNTY OF OXFORD.

Whereas the Clerk of the Court of General Sessions of the Peace, for the County of Oxford, has exhibited an estimate, made by the said Court of the necessary charges, which may arise, in the said County for the year ensuing amounting to Two thousand & Sixty Dollars :

*Resolved* that the sum of Two Thousand & Sixty Dollars, be & hereby is granted as a Tax for the said County of Oxford, to be apportioned assessed, collected, paid & applied, for the purposes aforesaid, according to Law.

*February 16, 1806.*

### Chapter 88.

RESOLVE GRANTING A TAX FOR THE COUNTY OF DUKES COUNTY.

Whereas the Clerk of the Court of General Sessions of the Peace, for the said County of Dukes County, has exhibited an estimate, made by the said Court, of the necessary charges likely to arise in the said County for the purpose of building a new Goal in said County, in lieu of their old Goal, lately destroyed by fire — amounting to Eight hundred Dollars :

*Resolved* that the sum of Eight hundred Dollars be and hereby is granted as a Tax for the said County of Dukes County, to be apportioned, assessed, collected, paid, and applied, for the purpose aforesaid according to Law.

*February 17, 1806.*

**Chapter 89.**RESOLVE FOR PRINTING THE LAWS AND RESOLVES OF THE  
GENERAL COURT.

Whereas it will be convenient to have the Laws of the Commonwealth printed of an uniform size :

SECT. 1. *Resolved* that the Acts of the General Court passed at the last session thereof together with the acts, also all the Resolves which may be passed, at any future Sessions, shall be printed on good paper, of the same size and Type of the new edition of the Special Laws of the Commonwealth, which were printed in the year one thousand eight hundred and five — and that each Copy of the same, be well stitched together, and covered with good blue paper, to be pasted on suitable paper to preserve them.

SECT. 2. *Be it further Resolved*, that the Secretary be and hereby is directed to examine the proof Sheets, and to see that they are correctly printed, by the Printers to the General Court, as soon as may be, after the close of each Session.

*February 18, 1806.*

**Chapter 90.**RESOLVE ON THE PETITION OF JOHN WHEELER, DIRECTING  
THE COMMITTEE FOR THE SALE OF EASTERN LANDS TO  
CONTRACT AND SELL TO SAID WHEELER 100 ACRES OF LAND  
AND TO EXECUTE A DEED OF THE SAME.

On the Petition of John Wheeler praying he may be priviledged with purchaceing One hundred Acres of Land belonging to this Commonwea[l]th it being a part of a Gore of Land Lying in the Town of Chesterville in the County of Kennebeck, as is set forth in said petition.

*Resolved*, that the Hon. John Read & William Smith Esqrs. Agents for the sale of Eastern lands are hereby authorised to contract and sell to the said John Wheeler or his heirs one hundred acres of land as shall best include his improvements & be least injurious to the adjoining lands at such price as said Committee shall judge it to be reasonably worth, reference being had as to the time of his Settlement, on said land, and to Execute a deed of the same in behalf of this Commonwealth, & the money arising from said Sale shall be paid into the Treasury accordingly & the said Wheeler to be at all the Expence of laying out & Surveying the Same.

*February 18, 1806.*

**Chapter 91.**

RESOLVE ON THE PETITION OF JOSHUA BROWN, DIRECTING THE COMMITTEE FOR THE SALE OF EASTERN LANDS TO MAKE AND EXECUTE A DEED OF THE LAND MENTIONED.

On the petition of Joshua Brown, shewing, that in the year One thousand seven hundred and eighty One, he settled with his family on a Gore of States Land lying between the Towns of Raymond and Gray in the County of Cumberland, and has Continued his Settlement in that place to the present time, & praying to be quieted in his Possession of One hundred Acres of Land.

*Resolved* That the prayer of said petition be granted, and the Honble. John Read & William Smith Esqrs. agents for the sales of Eastern Lands Be and they are hereby Directed to make and execute To Said Joshua Brown his heirs and Assigns a Deed of one hundred Acres of Land Lying in the Gore aforesaid ; To be Laid out so as best to include his improvements ; Upon such Terms and Conditions (having Due regard to the time of his Settlement thereon) as to Said Agents shall appear Just & Reasonable.

*February 18, 1806.*

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**Chapter 92.**

RESOLVE MAKING AN ALLOWANCE TO JACOB KUHN FOR THE PURCHASE OF ARTICLES FOR THE USE OF THE GENERAL COURT.

*Resolved*, that there be allowed and paid out of the Treasury of this Commonwealth, to Jacob Kuhn, One Hundred and fifty Dollars, to enable him to purchase such articles as may be necessary for the use of the General Court ; he to be accountable for the expenditure of the same.

*February 19, 1806.*

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**Chapter 93.**

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE DISTRICT OF EASTHAMPTON, GRANTING A REIMBURSEMENT FOR OVERCHARGE IN STATE TAXES.

On the petition of the Select Men of the District of Easthampton, representing that said District has been overcharged in their proportion of State Taxes for several years, since the year one thousand seven hundred and ninety three, & praying relief.

Whereas upon examination, it appears that in the original written Report of the Committee on the State Valuation in the year one thousand seven hundred & ninety three, the District of Easthampton was charged for their proportion one pound one shilling & three pence, which by mistake was called one pound eleven shillings & three pence in the printed Resolve of the General Court of the twenty-third of March one thousand seven hundred and ninety three, establishing said valuation — by which error, said District was overcharged in the State Tax for the year one thousand seven hundred & ninety-three, the sum of thirty three Dollars & one third of a Dollar, also for the eight years following, at sixty six Dollars & two thirds of a Dollar per year : Therefore

*Resolved*, that the District of East-hampton in the County of Hampshire, be and hereby is allowed to be paid out of the Treasury of this Commonwealth, the sum of five hundred & sixty six Dollars and sixty six Cents, as a Reimbursement in full of the whole amount of all the sums, which said District has been overcharged for State Taxes from the year one thousand seven hundred and ninety three, to the year One thousand eight hundred and one inclusive.

*February 19, 1806.*

### Chapter 94.

RESOLVE ON THE PETITION OF ISAIAH CUSHING AND OTHERS, AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, TO RAISE A COMPANY OF ARTILLERY IN THE TOWNS OF WARREN AND THOMASTON.

On the petition of Isaiah Cushing & others praying for leave to raise a Company of Artillery in the fourth Regiment, 1st Brigade & 8th Division of the Militia of this Commonwealth.

*Resolved*, That the Governor, by & with the advice of the Council, be, & he is hereby authorized & empowered to raise a Company of Artillery within the Towns of Warren & Thomaston in the fourth Regiment, first Brigade & eighth Division of the Militia of this Commonwealth ; which Company, when raised, & organized, shall be annexed to the aforesaid first Brigade, & subject to such rules & regulations, as are, or may be prescribed by law, for regulating the Militia of this Commonwealth. *Provided however* that none of the standing Companies in said Regiment shall be reduced thereby to a less number than the law requires.

*February 20, 1806.*

**Chapter 95.**

RESOLVE ON THE PETITION OF JOHN PERKINS AND OTHERS, AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWN OF IPSWICH.

On the Petition of John Perkins & others, praying for the establishment of a Company of Light Infantry in the Town of Ipswich.

*Resolved*, for reasons set fourth in said Petition — That His Excellency the Governor, with the advice of Council, be, & he is hereby authorized and requested to raise, by voluntary enlistment, a Company of Light Infantry in the Town of Ipswich, in the second Regiment, in the second Brigade, and second Division of Militia of this Commonwealth, which Company shall be annexed to said Regiment, subject however to such rules and regulations, as are or may be provided by Law for regulating and governing the Militia of this Commonwealth. *Provided*, That neither of the standing Companies in said Town, shall thereby be reduced to a less number than sixty-four effective privates.

*February 20, 1806.*

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**Chapter 96.**

RESOLVE ON THE PETITION OF DAVID HARRINGTON.

On the Petition of David Harrington of Petersham in the County of Worcester shewing that he recognized for the appearance of One David Allen in the sum of One Hundred dollars for the said Davids appearance at the Court of Common Pleas holden at Worcester on the Monday next preceding the first Tuesday of September 1804 to answer to a complaint against said David for an assault & battery on one Abel Stowel that said David did not appear & that sd. Recognizance was thereby forfeited & that afterwards said David Allen was duly taken tried convicted and imprisoned for said offence — and still remains in prison and that afterwards such proceedings were had on sd. Recognizance that at the Court of Common Pleas holden at Worcester in & for sd. County on the Monday next preceding the fourth Tuesday of March last Judgment was rendered agt. said David Harrington for the sum of One Hundred Dollars debt & eight Dollars

thirty cents costs of suit & that Execution has issued and he has satisfied the same.

*Resolved* that for reasons set forth in said petition the same be so far granted that upon payment of the costs of said suit and ten dollars part of said Recognizance to the use of said Commonwealth the residue of said debt being Ninety dollars be & hereby is remitted to him the said David Harrington and in case the same shall have been paid by the said Harrington the Sheriff or treasurer of the County of Worcester or other person in whose hands the same may be is hereby authorised to repay the said sum of ninety dollars to said David Harrington.

*February 21, 1806.*

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### Chapter 97.

#### RESOLVE ON THE PETITION OF EUNICE CONE, AND OTHERS, GUARDIANS.

On the petition of Eunice Cone, Widow of Ashbel Cone, late of West Stockbridge, in the County of Berkshire, deceased, and Guardian of Martha Cone & Virtue Cone, two minor children of the sd. Ashbel deceased, Noah Rosseter, guardian of Thomas Cone, & Zachariah Peirson, guardian of Asa Cone & Benjamin Cone, all the other minor children of the sd. Ashbel deceased, and Ashbel Cone, of full age, and Erastus Rowley & Eunice his wife, of full age, praying that the sd. Eunice Cone, Noah Rosseter & Zachariah Peirson, guardians as aforesaid, may be licenced to sell the interest of the said several minors in a tract of land containing two acres, including an Ore bed, lying in Richmond in sd. County of Berkshire, appraised at seventy dollars, & set to all the children of the sd. Ashbel, deceased, in common & undivided, and also the interest of the sd. Minors in another tract of land, of not more than one acre, lying south of sd. first mentioned tract of land, and seperated from it by a road, being a part of the Dower of the widow of sd. Ashbel deceased.

*Resolved*, That the said Eunice Cone, Noah Rosseter & Zachariah Peirson, guardians as aforesaid, be, & they hereby are, licenced & authorised to sell the interest of the sd. Minors in the two tracts of land above mentioned, at private sale, for as much as the same will bring, and to make & execute a good & sufficient deed or deeds of the same — they the sd. Eunice, Noah & Zachariah first giving

bonds with sufficient surety or sureties to the Judge of Probate for said County of Berkshire, in such sum as sd. Judge shall direct, conditioned that they will act faithfully & impartially in all things touching the premises — And will account for the proceeds of the sale thereof, as the law in such case p[r]ovides. *February 21, 1806.*

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### Chapter 98.

RESOLVE GRANTING 110 DOLLARS TO HENRY NINHAM AND SOLOMON QUANQUANCHMUT, REPRESENTATIVES OF THE STOCKBRIDGE TRIBE OF INDIANS.

On the Petition of Henry Ninham & Solomon Quanquanchmut representatives of the Stockbridge Tribe of Indians praying the aid of Government towards defraying their expences in attending the General Court, & their travel home.

*Resolved*, that there be allowed & paid out of the Treasury of this Commonwealth to Henry Ninham & Solomon Quanquanchmut the sum of one hundred & ten Dollars & his Excellency the Governor is hereby requested to draw his warrant for the same. *February 22, 1806.*

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### Chapter 99.

RESOLVE GRANTING 100 DOLLARS TO NATHANIEL HATCH FOR LOSSES AND EXPENSES INCURRED ON ACCOUNT OF A WOUND RECEIVED WHEN ON MILITARY DUTY.

On the petition of Nathaniel Hatch, praying for compensation for losses sustained, by a wound he received while performing military duty.

*Resolved* that the sum of One hundred Dollars be allowed & paid out of the public Treasury to the said Nathaniel Hatch, as a full compensation for his losses and expences incurred by his wound aforesaid; and his Excellency the Governor, with advice of Council, is requested to issue his warrant accordingly. *February 22, 1806.*

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### Chapter 100.

RESOLVE ON THE PETITION OF JOSEPH COOK, GUARDIAN OF NATHANIEL EDWARDS, 2d.

On the Petition of Joseph Cook, Guardian of Nathaniel Edwards, the Second, praying that he may be authorized to make sale of one half of a dismal swamp, (commonly



called Hackmetack swamp) lying in Northampton in the county of Hampshire, belonging to his said ward, and put the proceeds thereof on interest, or lay out the same for better property.

*Resolved*, that the said Joseph Cook, Guardian as aforesaid, for reasons set forth in his said Petition, be authorized to make sale of the premises, belonging to his said ward: *provided* he shall observe the rules & regulations, by Law, to be by Executors & administrators observed, in the sale of intestate estates; and give bonds to the Judge of Probate for the county of Hampshire, to dispose of the pro[c]ceeds, according to Law.

*February 24, 1806.*

### Chapter 101.

RESOLVE ON THE PETITION OF BETTY CURCUM, AUTHORIZING THE GUARDIAN OF THE NATICK INDIANS TO SELL THE LAND MENTIONED.

On the Petition of Betty Curcum one of the Natick Indians, praying that the Guardian of said Indians may be authorised to sell the whole or so much of her lands as will discharge her just Debts.

*Resolved* that the prayer of said Petition be so far g[r]anted, that the Guardian of said Natick Indians be and he is hereby authorised to sell at publick Vendue or private Sale (as he shall Judge best) so much of the land of the said Betty Curcum as will raise a sum sufficient to discharge her just Debts, and to make and execute a good & sufficient Deed or Deeds, conveying the same to the purchaser or purchasers thereof; the said Guardian to be accountable for the expenditure of the monies arising from said Sale in the same way and manner as he is for other monies as Guardian for said Indians.

*February 24, 1806.*

### Chapter 102.

RESOLVE ON THE PETITION OF MICAJAH GLEASON AND OTHERS, AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE EIGHTH DIVISION OF MILITIA.

On the Petition of Micajah Gleason & others, praying for leave to raise a Company of Light Infantry in The fourth Regiment, 1st Brigade & 8th Division of the Militia of this Commonwealth.

*Resolved*, That the Governor with consent of the Council, be, & he is hereby authorized & empowered to raise a Company of Light Infantry in the aforesaid Regiment, which, when raised & organized, shall be annexed to the said fourth Regiment, & subject to such rules & regulations as are or may be provided by law. *Provided* no one of the standing Companies in said Regiment shall be reduced thereby to a less number than the law requires.

*February 24, 1806.*

### Chapter 103.

RESOLVE ON THE PETITION OF GREEN CRAM AND OTHERS, AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWN OF STANDISH.

On the Petition of Green Cram and others Praying for leave to Raise by Voluntary enlistment a Company of Light Infantry in the Town of Standish in the County of Cumberland.

*Resolved* that his Excellency the Governor with the Advice and consent of the Council be & he is hereby Authorized to Raise by voluntary enlistment a Company of Light Infantry in the Third Regiment Second Brigade and Sixth Division of Militia of this Commonwealth, *Provided* the Standing Companies are not thereby Reduced below the Number Prescribed by Law—Said Company to be Attached to the aforesaid Regiment Brigade and Division & Subject to such Rules and Regulations as are or may be Provided by Law for governing the Militia of this Commonwealth.

*February 24, 1806.*

### Chapter 104.

RESOLVE ON THE PETITION OF JOSIAH PHINNEY, AUTHORIZING THE EXECUTOR OF GEORGE STILLMAN TO RECONVEY A CERTAIN LOT OF LAND TO SAID PHINNEY.

On the petition of Josiah Phinney of Machias, in the County of Washington, stating that on the eighth day of September, in the year of our Lord, One thousand seven hundred, & ninety eight, he conveyed to George Stillman Esq., of said Machias, by a warrantec deed of that date, a certain lot of land, described in said deed; and that said deed was given & intended as a collateral security for the payment of a certain note of hand, given by said Josiah

to said George; and that said George promised to reconvey said lot of land to said Josiah, upon the payment of said note & interest, but that said George, has lately deceased, without reconveying said land to said Josiah.

*Resolved* that the executor of the last will & testament of the said George Stillman be, & he is hereby authorised & empowered, if he shall think proper, upon the payment of the money due on said note, to reconvey said lot of land, with all the buildings thereon, to the said Josiah Phinney, & his heirs; and a deed made of said land, by said Executor, and duly acknowledged and recorded, shall create a title and estate, in the said Josiah Phinney, as fully & amply, as if the same Deed had been made & executed by the said George Stillman in his life time.

*February 25, 1806.*

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### Chapter 105.

RESOLVE ON THE PETITION OF REUBEN BRAINERD, EMPOWERING STEPHEN CODMAN TO EXECUTE A DEED OF THE LAND MENTIONED.

On the Petition of Reuben Brainerd of Winthrop in the County of Kennebec praying that Stephen Codman Esquire Executor to the last Will and Testament of John Codman late of Boston deceased may be empowered to execute a Deed of part of a lot of Land lying in Monmouth in the said County of Kennebec number twenty one in the first range in the plan of the survey of the said Town in Monmouth it being the West half of said lot and containing about one hundred acres.

*Resolved* for reasons set forth in said petition that the prayer thereof be granted and that the said Stephen Codman be and he hereby is empowered in his said Capacity to execute and deliver to the said Brainerd a Deed in fee simple of all the Right and Title which the said John Codman in his life time had in and to the said West half of the lot of Land aforesaid he paying to the said Stephen Codman the balance of the consideration money due to the said John Codman's Estate for the said Land.

*February 25, 1806.*

### Chapter 106.

RESOLVE ON THE PETITION OF JOSIAH STEBBINS, AGENT OF THE TRUSTEES OF LINCOLN ACADEMY, AUTHORIZING THE AGENTS FOR THE SALE OF EASTERN LANDS TO EXECUTE A DEED OF THE LAND MENTIONED.

On the petition of Josiah Stebbins Agent of the Trustees of the Lincoln Academy, Stating, that by a Resolve of the twelfth of February one thousand eight hundred and three, the Legislature granted to said Trustees for the use of Said Academy, "The Gore of Land lying between the Plymouth and Waldo claims at the Head of Damnascootta Pond, provided the same is the property of this Commonwealth Said Gore to be Laid out and assigned to Said Academy by the agents of the Commonwealth;" and that by reason of some Difficulties which have arisen, the Line of Said Plymouth Claim has not yet been ascertained or the Gore assigned as aforesaid, to the great injury of Said Academy. Therefore

*Resolved*, That the Agents of this Commonwealth on the subject of Eastern Lands be and they are hereby authorised and empowered To Make and execute a Deed of said Gore of Land To the Trustees of said Academy, in the same manner, and under the provisions and restrictions as they would have Done, had the same been Laid out agreeable to the Resolve Aforesaid. "*Provided however*, that the Commonwealth be not, by such deed, nor in any other manner bound to warrant or defend the title to said Trustees, nor to any cost or expence or claim to indemnity under any circumstances whatsoever."

*February 26, 1806.*

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### Chapter 107.

RESOLVE ON THE PETITION OF JOHN COOL, GRANTING HIM AMOUNT OF PRINCIPAL AND INTEREST DUE ON CERTAIN SPECIE NOTES.

On the Petition of John Cool of Waterville in the County of Kennebec late a Soldier of the twelfth Massachusetts Regiment in the revolutionary army, praying that he may be allowed the sum of nine pounds, seventeen shillings & six pence, with the interest on the same, which has been due to him in specie notes since the first day of January A. D. 1782.

*Resolved*, for the reasons sett forth in said petition, that there be allowed & paid out of the Treasury of this Commonwealth, to the said John Cool, the sum of Ninety one Dollars & Twenty cents, in full for the said sum with the interest due as aforesaid.

*February 27, 1806.*

### Chapter 108.

RESOLVE EMPOWERING THE AGENTS FOR THE SALE OF EASTERN LANDS TO APPOINT ANOTHER PERSON IN PLACE OF LOTHROP LEWIS, SURVEYOR.

On the information of the Agents for the sale of Eastern Lands, setting forth that Lothrop Lewis Esqr. declines accep[t]ing his appointment, by a Resolve of the 15th of February, 1804, to survey certain lands therein described. Therefore

*Resolved*, That the said Agents in connection with the Agents of the Plymouth Company, be and they hereby are authorized & impowred to appoint some other Person, to perform the duties, which the said Lewis was impowred to do, by a Resolve passed February fifteenth A. D. 1804, and such person when appointed by said Agents, shall be invested with all the powers which were assigned to the said Lothrop Lewis, by virtue of the resolve aforesaid.

*February 27, 1806.*

### Chapter 109.

RESOLVE ALLOWING THE QUARTER MASTER GENERAL'S ACCOUNTS, DISCHARGING HIM OF MONEY RECEIVED AND DISBURSED, AND GRANTING HIM 10,000 DOLLARS FOR THE ENSUING YEAR FOR CERTAIN PURPOSES.

*Resolved* that Amasa Davis Esqr. Quarter Master General, be and hereby is discharged, from the Sum of Ten thousand Seven Hundred and five Dollars, four Cents, which he has expended (including his salary, Office rent and clerk hire, amounting to Nine hundred Dollars for One year, ending ye Seventeenth of January one Thousand eight hundred and six) Out of the sums he has receivd the last year by warrants on the Treasurer, and for sale of the Powder magazine and watch House. And that the balance of four hundred and Ninety nine Dollars, forty nine Cents, now remaining in his hands, due to the Commonwealth, be carried to his debit in a New acct.

*Be it further Resolved*, That there be allowed and paid out of the Treasury to the said Amasa Davis Esqr. the Sum of Ten Thousand Dollars, for defraying the charges and expenses of the Quarter Master Generals department, the present year, he to be accountable for the same.

*February 27, 1806.*

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### Chapter 110.

RESOLVE ON THE PETITION OF FRANCIS CABOT LOWELL, EXTENDING THE TIME FOR MAKING AND COMPLETING THE SETTLEMENT OF CERTAIN TOWNSHIPS AT THE EASTWARD.

On the Petition of Francis Cabot Lowell of Boston representing that he is now the Proprietor of two Townships of land in the District of Maine, being Number Four in the Sixth Range, and Number Five in the Fifth Range of Townships on the West side of Penobscot River and North of the Waldo Patent; which Townships were sold and conveyed by this Commonwealth to John Solomon Fazy subject to the customary conditions of settlement, which for reasons set forth in the Petition have not been fulfilled, and praying for an extension of the time limited for placing settlers thereon.

*Resolved*, That the further time of three years from and after the passing of this Resolve, be, and hereby is granted and allowed to the said Francis Cabot Lowell, or to whoever may be the owner of said lands, for the purpose of making and completing the settlements on the aforesaid two Townships of land, required by the conditions of the original grants thereof, any thing in the said original grants to the contrary notwithstanding. *February 28, 1806.*

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### Chapter 111.

RESOLVE ALLOWING ADDITIONAL PAY TO JOSEPH LAUGHTON AND JAMES FOSTER, JUN., CLERKS IN THE TREASURER'S OFFICE.

*Resolved*, That there be allowed & paid out of the Treasury of this Commonwealth, to Joseph Laughton and James Foster Junr. Clerks in the treasury office, (in addition to their present pay) eighty four cents pr. day each, during the time they have been or may be, actually employed in said office, from the first day of June eighteen hundred & five until the first day of June eighteen hundred & six. *February 28, 1806.*

**Chapter 112.**

## REPORT OF COMMITTEE ON RECEPTION TO VISITING INDIAN CHIEFS.

The Committee of both Houses appointed to consider the expediency of making Arrangments for the reception of the Chiefs of the Osage and other Nations of Indians now on a visit to this Metropolis, with a view to impress them with the disposition and wish of this Commonwealth to Cultivate Peace & Friendship with them & their Nations, have considered the subject committed to them — and ask leave to report, That his Excellency the Gov. be requested to appoint such persons as he may think proper to conduct the said Chiefs to the State house tomorrow at 12 o'clock and to introduce them to his Excellency the Gov. & Council & to each branch of the Legislature, in which seats shall be assyn'd for them, & to return with them to their places of abode & to order out a Company of Artillery who shall fire a salute upon the Common upon their arrival at the State house & to make such other arrangements as he may think proper; & That his Excellency the Governor be requested to present each of said Chiefs with a Silver Chain — to be procured by the Quarter Master General.

In Senate Read & accepted.

In the House of Representatives, Read & concurred.

*February 28, 1806.*

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**Chapter 113.**

## RESOLVE ON THE PETITION OF SARAH HALL AND BETSEY WHITFIELD.

On the petition of Sarah Hall and Betsy Whitfield authorizing them to convey the real estate of certain minors on condition.

Whereas Sarah Hall of Providence, in the county of Providence, and State of Rhode Island, as she is guardian of Abby Hall, & Nathan Hall both of said Providence infants within the age of twenty one years who are children of Levi Hall late of said Providence merchant deceased; and Betsy Whitfield of the City of New-York widow of said Levi Hall, guardian of Eliza Hall and Levi Hall infants within the age of twenty one years, have in their capacity of guardians petitioned the Legislature of this Commonwealth for leave to sell all the right of said minors

in certain real estate situate in the town of Boston on Bath street so called otherwise called Horn lane and also certain real estate situate in Mendon in the county of Worcester :

*Resolved* for the reasons set forth in the said petition, that the said Sarah Hall in her capacity aforesaid, and the said Betsy Whitfield in her said capacity, be and they hereby are respectively authorized and empowered to sell all the right, title, interest, and estate, of the said minors in a certain brick House and its appurtenances and the land whereon the same stands and which is appurtenant to said House, situate in said Boston in Bath Street, otherwise called Horn Lane ; and also that the said Sarah Hall, and the said Betsy Whitfield, be and they hereby are respectively authorized and empowered to sell all the right title interest and estate of said Minors in a certain farm situate in Mendon aforesaid and to make execute and deliver in due form of Law any deed or deeds to convey the said minors interest and right in said estates, accordingly. *Provided*, that the said Sarah Hall shall first have given bond or bonds with sufficient sureties to the use of the minors, whose guardian she is, to the full and perfect acceptance of the Court of Probate, in the county of Suffolk, conditioned that she will faithfully and truly and to the best of her knowledge, and discretion, sell and dispose of their interest aforesaid, in such time, place, and manner as may be most for said minors benefit ; and further conditioned to vest the proceeds of said sale in such personal property as said Court shall have approved, so that such proceeds shall yield such sum as will be the lawful interest of such proceeds ; and to account with said minors for the principal and interest when they respectively come of Age ; — And *provided also* that the said Betsy Whitfield shall first have given bond or bonds with sufficient sureties to the use of the minors whose guardian she is, to the acceptance of the Court of probate in the County of Suffolk conditioned in the same manner as herein before provided concerning the bond or bonds to be given by the said Sarah Hall ; — And *be it further Resolved* that the said sales shall be made on this express condition that all the heirs interested in said estates shall join with the said guardians in the sale of their respective shares ; And the said guardians are also required to make in writing a statement of their doings pursuant to the powers herein given, setting forth therein the times of sale, the names of the



purchasers, and the consideration money paid, and the manner in which the same shall have been vested; which statement shall be filed in the Court of Probate aforesaid; together with the bonds required to be given by said guardians as aforesaid.

*February 28, 1806.*

### Chapter 114.

RESOLVE GRANTING AN ADDITIONAL PENSION ALLOWANCE TO  
DAVID THOMPSON.

*Resolved* there be allowed and paid out of the public Treasury to David Thompson, an aged Soldier, who lost an arm in the public service in the year 1757 — the sum of Twenty Dollars in addition to his present pension, making in the whole Sixty Dollars annually, and the Treasurer is directed to pay the said pension semi-annually to the said David Thompson.

*February 28, 1806.*

### Chapter 115.

RESOLVE ON THE PETITION OF JOHN CALDWELL, 4TH, AUTHORIZ-  
ING MARY CALDWELL AND ARCHIBALD BLACK TO RECONVEY  
THE LAND MENTIONED.

On the Petition of John Caldwell the Fourth, of Barre in the County of Worcester, Shewing that on the Twelfth day of April 1804, he conveyed to his Father Seth Caldwell a Certain Tract of Land Situate in said Barre, containing Seventy Acres, and received a Bond from his said Father, Conditioned to reconvey the said Land to the said John, on his paying to the said Seth, the Sum of two thousand dollars, in two years with Interest, Since which the Said Seth has deceased, and praying that the Administrators on the estate of the said Deceased may be authorized and empowered to reconvey the land aforesaid to him.

*Resolved* for the reasons set forth in said Petition that the Prayer thereof be granted, and that Mary Caldwell widow of the said Deceased and Archibald Black, Administrators on the estate of the said Seth Caldwell Deceased, be and they hereby are authorized and empowered to reconvey to the said John Caldwell the Fourth the said Seventy Acres of Land, agreeably to the intention of the parties, expressed in the Condition of the said Bond, and to make and execute a good and Sufficient deed to pass the Same, which Shall be Valid in Law to all intents and purposes, as if the said Seth Caldwell had done the same

in his Lifetime, they the said Administrators first giving Sufficient Bond to the Judge of Probate for the County of Worcester, to account for the monies arising from said reconveyance, according to Law. *March 1, 1806.*

### Chapter 116.

RESOLVE ON THE PETITION OF THOMAS COOK AND CORNELIUS MERCHANT, JUN., AUTHORIZING THE COUNTY OF DUKES COUNTY TO USE THE GAOL IN THE COUNTY OF BARNSTABLE FOR THE CONFINEMENT OF PRISONERS.

Upon the Petition of Thomas Cook and Cornelius Merchant Jur. a committee on behalf of the County of Dukes County.

*Resolved* that the County of Dukes County be and they hereby are authorised and impowered to use the Commonwealths Gaol in the County of Barnstable for the reception and confinement of all Prisoners who may be liable and subjected to imprisonment for any cause whatever, untill a new Gaol shall be erected within said Dukes County, and the keepers of said Gaol within the County of Barnstable are hereby authorized and directed to Receive and detain within said Prison all Prisoners who may be committed therein, under the authority of any Courts or Magistrates for said County of Dukes County in the same way and manner; and the said keepers shall be Respectively liable to all the duties and penalties to which they would be liable in the case of Prisoners committed to said Gaol under and by the authority of the Courts or Magistrates for the County of Barnstable — *Provided however* that the said County of Barnstable shall not be liable in consequence of the escape of any debtor who may be confined in said Gaol for debt under the authority of said County of Dukes County, but the said County of Dukes County shall remain answerable to any Creditor for the escape from Prison of every such debtor in the same way and manner as though such debtor had been committed within the County of Dukes County — *and be it further Resolved*, that the said County of Dukes County shall be holden to support their Prisoners within the Gaol in the County of Barnstable — and all Executive officers within the County of Dukes County be and they hereby are authorized to carry to the Gaol in the County of Barnstable any Prisoners they may have in custody, and the same may deliver therefrom and may and shall do and perform

all acts matters and things respecting any such Prisoner which they are by law empowered to do within the County of Dukes County — *Provided however* that no Prisoner shall be committed to the said Gaol within the County of Barnstable Pursuant to these Resolutions untill the consent of the Court of General Sessions of the peace for said County of Barnstable shall be first duly obtained therefor.

*March 3, 1806.*

### Chapter 117.

RESOLVE DIRECTING THE SECRETARY TO GRANT A LAND CERTIFICATE TO ELIHU BELLWS, A FORMER CONTINENTAL SOLDIER.

Whereas Elihu Bellows, a private soldier in the late Continental Army about two years ago proved his title to two hundred Acres of land, or twenty dollars, agreeable to a Resolve passed March the fifth, One thousand eight hundred and One, And the said Elihu Bellows' name was, through mistake, entered on the list for money, instead of land, which money he has not taken, therefore

*Resolved*, that the Secretary be, and he hereby is, directed to [to] grant the said Elihu Bellows a Certificate for a Lot of land in Mars-Hill Township, he the said Bellows relinquishing his claim to the said money.

*March 3, 1806.*

### Chapter 118.

RESOLVE ON THE PETITION OF ELIAS H. DERBY, EMPOWERING HIM TO EXTEND THE WHARF MENTIONED.

On the Petition of Elias Hasket Derby & others Proprietors of Derby Warf so called in Salem & of the flats to the southward of the same praying that they may be permitted to extend said Wharf (beyond the one hundred Rods allowed them by Law) to the Channel of South-River so called in Salem — & it appearing that the extension of the sd. Petitioners Wharf will be of public utility — Therefore

*Resolved* that the sd. Proprietors, or such Persons as hereafter may be Proprietors of the sd. Derby Wharf & Flats in Salem be & they hereby are authorized & empowered to extend said Wharf to the South Channel in Salem as prayed for in their petition. *March 3, 1806.*

**Chapter 119.**

RESOLVE EXTENDING THE TIME FOR SETTLERS IN THE EASTERN PART OF THE COMMONWEALTH TO MAKE PAYMENTS FOR THEIR LOTS.

Whereas, notwithstanding the repeated indulgences of the government to settlers on the lands belonging to this Commonwealth in the district of Maine, there is still a number who neglect to pay the sums required for the lots on which they have respectively settled — *Therefore, be it resolved* that the further time of Twelve months from and after the passing this Resolve be and hereby is allowed such settlers to pay the sums required for the respective lots on which they have settled, and all such settlers who shall not make payment within the time specified in this resolve, shall have their names, together with the situation of the lots which they have taken up returned by the Agents for the sale of eastern lands to the attorney General of the Commonwealth, who is hereby empowered and directed to eject such delinquent settlers from the lots so taken up, in order that the commonwealth may dispose of the same.

*It is further Resolved*, that the said Agents cause this Resolve to be published three weeks successively in the Palladium in Boston & all the Newspapers publis[h]ed in the district of Maine.

*March 3, 1806.*

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**Chapter 120.**

RESOLVE CONFIRMING THE DOINGS OF THE COURT OF GENERAL SESSIONS OF THE PEACE FOR THE COUNTY OF YORK AS FAR AS RESPECTS THE APPORTIONING AND ASSESSING THE TAX UPON SAID COUNTY.

Whereas a resolve passed on the eighth day of March last for assessing a Tax of Four thousand Dollars upon the County of York, and it afterwards appeared to the Court of General Sessions of the Peace for the said County, that it had become inexpedient to levy the whole of said tax, and that the sum of Three thousand Dollars would be sufficient to defray the current expences of the said County for the year, and the said Court therefore ordered Three thousand Dollars only to be assessed, with an addition of thirty six dollars and two Cents, to be assessed on two particular Towns :

*Resolved* that the doings of the said Court of General

Sessions of the Peace, for the said County of York, be & hereby are confirmed & made valid, so far only, as respects the apportioning & assessing the aforesaid Tax.

*March 4, 1806.*

### Chapter 121.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF PLYMOUTH, GRANTING A TOWNSHIP IN AID OF MEASURES TO BE TAKEN FOR THE SECURITY AND PRESERVATION OF THEIR HARBOUR.

On the Petition of the Inhabitants of the Town of Plymouth — praying for Legislative Aid, for the Security & preservation of their Harbour by repairing the beach mentioned in said petition.

*Resolved* For reasons sett forth in said Petition that their is hereby granted to the said Town of Plymouth (for the purpose aforesaid) a Township of Land six miles Square, to be laid out and assigned to them by the Agents for the Sale of Eastern lands, out of any unappropriated Lands in the district of Maine with the usual reservations & restrictions, Excepting the ten Townships of land on Penobscot River purchased of the Indians.

*Provided however* That the said Town of Plymouth shall within two years from the passing of this resolve raise & appropriate \$5000, in addition to the above Grant — the whole to be applyd & layd out under the direction of an Agent or Agents to be appointed by His Exce[a]lly. the Govr. *Provided also*, that the said town of Plymouth shall cause the said township to be surveyed & located, and a plan thereof returned into the land Office within the term of three years.

*March 4, 1806.*

### Chapter 122.

RESOLVE GRANTING 10,000 ACRES OF THE UNAPPROPRIATED LANDS IN THE DISTRICT OF MAINE TO WILLIAM EATON, ESQ., FOR HIS SERVICES AT TRIPOLI, AND DIRECTING THE AGENTS FOR THE SALE OF EASTERN LANDS TO CONVEY THE SAME.

Whereas in a rising Republick it is highly important, to cherish that Patriotism, which conquers a love of ease, of pleasure, and of wealth, which prompts Individuals to a love of their Country, and induces them, to embrace every opportunity to advance its prosperity and happiness, as well by ameliorating the fate of those Citizens, whom the

fortune of war has thrown into captivity, as by cheerfully contributing to its support, and defence. And whereas the love of enterprize, when guided by a just sense of propriety, and benevolence, may become the parent of many virtues, and a State is sometimes indebted for its safety, to the virtues and undaunted courage of a single man :

And whereas the Senate and House of Representatives of this Commonwealth are desirous to perpetuate a remembrance of the heroic enterprize, of William Eaton, Esquire, while engaged in the service of the United States, whose undaunted courage & brilliant services, so eminently contributed to release a large number of his fellow Citizens late prisoners in Tripoli from the chains of slavery, and to restore them to Freedom, their Country — and their Friends : Therefore

*Resolved*, That the Committee for the sale of Eastern lands, be and they are hereby authorized, and directed to convey to William Eaton Esquire a Citizen of this Commonwealth and to his heirs and assigns a tract of land to contain ten Thousand acres of any of the unappropriated land of this Commonwealth in the District of Maine (excepting the ten Townships on Penobscot river.)

*And be it further Resolved*, that his Excellency the Governor, be requested as soon as conveniently may be, to cause to be transmitted to the said William Eaton Esquire an authentick Copy of this Resolution.

*March 4, 1806.*

### Chapter 123.

RESOLVE ON THE PETITION OF WILLIAM PRESCOTT, GRANTING HIM AN ADDITIONAL PENSION ALLOWANCE.

On the petition of William Prescott praying for relief for being wounded by the discharge of a Cannon.

*Resolved* for the reasons set forth in said petition that there be paid out of the Public Treasury of this Commonwealth, to the said William Prescott, the sum of twenty dollars annually, in addition to the [the] sum of fifty dollars as a pension, during his life, according to a resolve, passed March ninth 1792, and the first payment to be made on the first day of January 1807. *March 5, 1806.*

**Chapter 124.**

## RESOLVE ON THE PETITION OF JOSIAH BEMIS.

On the petition of Josiah Bemis the elder of Quincy in the County of Norfolk bricklayer otherwise called stonemason stating that he recognized in the sum of three hundred dollars for the appearance of his son Josiah Bemis Junr. before the Supreme Judicial Court holden at Boston within the County of Suffolk and for the counties of Suffolk and Nantucket on the second Tuesday of March in the year eighteen hundred & five to answer to an indictment agt. sd. Josiah Bemis Jr. for theft from Charles Toothaker that said Josiah Bemis Jun. did not appear and thereby said Josiah Bemis the elder forfeited the said sum of three Hundred dollars to the use of the said Commonwealth and that upon said recognizance *scire facias* was issued and Judgment has been rendered against him for said debt & Costs at the Supreme Judicial Court in November last holden at Boston aforesaid and praying that a part of said Forfeiture may be remitted to him.

*Resolved* that one hundred dollars part of said forfeiture be and hereby is remitted to the said Josiah Bemis the elder and upon his the said Josiahs paying the sum of one hundred & fifty dollars, and the costs which have arisen or may arise on said process he be discharged from the Judgment aforesaid and from any execution that is or may be issued thereon.

*March 5, 1806.*

**Chapter 125.**

## RESOLVE ALLOWING THE ACCOUNTS OF THEODORE LINCOLN, ESQ., AGENT FOR THE PASSAMAQUODDY INDIANS.

The Committee appointed to examine the account of Theodore Lincoln Esqr. Agent for the Passamaquoddy Indians ask leave to report that they find his charges reasonable & right cast. Therefore

*Resolved* that Theodore Lincoln Esqr. agent for the Quoddy tribe of Indians be & he hereby is discharged from the sum of six hundred & thirty dollars, on Account of sums he received from the Treasury & sale of timber.

*Be it further resolved* that there be allowed and paid out of the Treasury, to the said Theodore Lincoln Esqr. the sum of two hundred, eleven dollars & ninety two cents, being the balance due on the adjustment of his account; all which is submitted.

*March 5, 1806.*

**Chapter 126.**

RESOLVE ON THE PETITION OF THE SELECTMEN OF NORTH-PORT, REMITTING A TAX ASSESSED ON SAID TOWN.

On the Petition of the Select Men of the Town of Northport, in the County of Hancock, praying that the sum assessed on that town as their proportion of the State Tax in the Year of Our Lord, one Thousand eight hundred & five, may be remitted, and that the same may be appropriated to the mending & repairing the public Roads through the said town. For reasons Set forth in their Petition —

*Resolved* that the sum of Seventy two dollars, the tax Assessed on the town of Northport, be remitted: *Provided* that the Select Men of said town for the time being shall within the term of one Year from the date of this resolve, cause to be returned to the treasurer of this Commonwealth, a certificate from some Suitable person appointed as a Surveyor on the County Road in said town, under oath to the faithful discharge of his duty herein, that the said Sum of Seventy two dollars over & above the highway tax Committed to him, has been by him faithfully laid out and expended in mending & repairing the said County Road, where in his Oppinion it is most necessary; and that the Treasurer of this Commonwealth Govern himself Accordingly.

*March 5, 1806.*

**Chapter 127.**

RESOLVE GRANTING 100 DOLLARS TO JACOB KUHN FOR SUPERINTENDING REPAIRS OF THE STATE HOUSE.

*Resolved*, that there be paid out of the Treasury of this Commonwealth, the sum of one hundred Dollars to Jacob Kuhn, the Messenger of the General Court, in full for his services in superintending sundry repairs and improvements in and about the State House, agreeably to several orders & resolves of the Legislature, since March 9, 1804.

*March 5, 1806.*

**Chapter 128.**

RESOLVE MAKING ALTERATIONS IN THE VALUATION OF THE TOWNS OF BOSTON AND DORCHESTER.

Whereas That part of the Town of Boston, now called South Boston, at the time of the last valuation, belonged to and was part of the Town of Dorchester, and the In-



habitants thereof with their polls and Estate were returned by the Assessors of said Town of Dorchester, as part of said Town, and whereas the same hath since been annexed to the Town of Boston by an Act of this Court, and no provision has been made, that the proportion of the Tax of the Town of Dorchester, arising from the Polls and Estates of said South Boston should be placed to the Town of Boston in Relief of the said Town of Dorchester: Therefore —

*Resolved* That the sum of forty-three cents be and hereby is deducted from the sum now charged to said Town of Dorchester, and that the same be added to the valuation of the Town of Boston, and the Treasurer is hereby directed to deduct from and pass to the credit of said Town of Dorchester in their next Tax, the sum of one hundred, fourteen Dollars and sixty six cents, being the amount paid by said Town on the polls & Estates of the Inhabitants of said South Boston since the annexation thereof to said Town of Boston, and add the same to the said Town of Boston, in the same Tax Act.

*Be it further Resolved* That the said valuation so altered untill a new valuation is taken shall be the rule of apportioning the State taxes — and the one eleventh part of all county taxes which since said annexation have been set upon assessed to & paid by the town of Dorchester — shall be paid to the treasurer of sd. town of Dorchester for the use of said town by the treasurer of the County of Norfolk and that in future untill a new valuation shall be taken, the Clerk of the Court of General Sessions of the Peace for said County of Norfolk in apportioning the County taxes shall govern himself by the rule hereby prescribed in apportioning the State taxes on the said town of Dorchester.

*March 5, 1806.*

### Chapter 129.

RESOLVE MAKING AN ALLOWANCE TO WILLIAM GALE, MESSENGER TO GOVERNOR AND COUNCIL, FOR THE PURCHASE OF FUEL, &c.

*Resolved* That there be allowed and paid out of the Treasury of this Commonwealth to William Gale Messenger to the Governor & Council, the Sum of Two Hundred Dollars to enable him to purchase Fuel and other Necessary Articles for the Council Chamber & Secretary's office, he to be accountable for the expenditure of the same.

*March 5, 1806.*

**Chapter 130.**

RESOLVE ON THE PETITION OF DEAN BRIGGS, AUTHORIZING JOHN TINKHAM TO CONVEY CERTAIN LAND.

On the petition of Dean Briggs, setting forth that by a resolve passed March 7 1804, John Tinkham of Middleborough in the County of Plymouth was appointed a Trustee of the property of William Simon & Benjamin Simon two Indian Men, that under the authority of said resolve, the said Trustee commenced a suit against Noah Clark, of said Middleborough, for the recovery of about twenty acres of land in said Middleborough & obtained judgement for the same, & has been put in possession thereof; and whereas it appears, that the said resolve was passed on the petition & facts shewn to the General Court by said Dean Briggs the petitioner aforesaid, who then stated & proved that said land was set off by execution for debt — and that said Briggs at the request of said Indians & by the advice of Col. John Nelson their Guardian raised the money & tendered the amount of the execution to the Creditors by whom it was received — And whereas it appears that said Dean Briggs has never been remunerated for the sum of money he advanced on account of said Indians as aforesaid. Therefore

*Resolved* — That said John Tinkham Trustee as aforesaid, be, & he is hereby authorized and directed to convey to said Dean Briggs by deed in fee simple, so much of said land as was set off to the Creditors of said Indians by execution and redeemed by the said Briggs as aforesaid.

*March 6, 1806.*

**Chapter 131.**

RESOLVE ON THE PETITION OF JOSEPH WOODMAN, ALLOWING HIM TO PROVE HIS CLAIM AGAINST THE ESTATE OF NATHANIEL BOWMAN, DECEASED.

On the Petition of Joseph Woodman of Buxton in the County of York Gentleman, praying that he may be allowed to prove his Claim against the Estate of Nathaniel Bowman, late of Gorham in the County of Cumberland Physician deceased. Intestate before the Commissioners appointed to receive and examine the Claims against said Estate.

*Resolved* that the prayer of said Petitioner be so far Granted, as that the Judge of Probate for the County of

Cumberland, be and hereby is directed and empowered to Authorise the Commissioners on Said Nathaniels Estate to receive and allow if they think it reasonable the Claim of the said Joseph, against said Nathaniels estate, or such part thereof, as shall appear to them reasonable & Just, and to make return of their doings therein to the said Judge of Probate, which return so being made, & being allowed and confirmed by said Judge — The said Judge of Probate is hereby authorised & empowered to order & direct the distribution of any Estate unadministred upon, and undistributed, to and among the Creditors of the estate of said Nathaniel Bowman, including such sum as may be allow'd to said Joseph; he the said Joseph paying the expence of said further proceedings of the Commissioners of said Bowmans Estate. *March 6, 1806.*

### Chapter 132.

RESOLVE GRANTING TAXES TO THE COUNTIES OF ESSEX, BARNSTABLE, WORCESTER, BERKSHIRE, NORFOLK, YORK, CUMBERLAND, LINCOLN, KENNEBEC, AND WASHINGTON.

Whereas the Treasurers of the following Counties have laid their accounts before the General Court for examination, which accounts have been examined and allowed: And whereas the Clerks of the Courts of General Sessions of the peace, for said Counties, have exhibited estimates made by the said Courts of the necessary charges likely to arise within the said Counties, for the year ensuing, and of the sums necessary to discharge the debts of the said Counties:

*Resolved*, that the sums annexed to the Counties contained in the following Schedule, be and the same are hereby granted, as a tax for each county respectively, to be apportioned, assessed, paid, collected and applied for the purposes aforesaid, according to Law.

	Dolls.
<i>Essex</i> , . . . . .	Fifteen thousand Dollars, . . . . . 15,000
<i>Barnstable</i> , . . . . .	One thousand two hundred & fifty dollars, . . . . . 1,250
<i>Worcester</i> , . . . . .	Four thousand Dollars, . . . . . 4,000
<i>Berkshire</i> , . . . . .	Two thousand Dollars, . . . . . 2,000
<i>Norfolk</i> , . . . . .	Three thousand & fifty five dollars, . . . . . 3,055
<i>York</i> , . . . . .	Two thousand & five hundred dollars, . . . . . 2,500
<i>Cumberland</i> , . . . . .	Two thousand & nine hundred dollars, . . . . . 2,900
<i>Lincoln</i> , . . . . .	Four thousand, three hundred & thirteen dollars, . . . . . 4,313
<i>Kennebeck</i> , . . . . .	Three thousand, eight hundred, & ninety four dollars, . . . . . 3,894
<i>Washington</i> , . . . . .	Seven hundred Dollars, . . . . . 700

*March 6, 1806.*

**Chapter 133.**

RESOLVE ON THE PETITION OF LEMUEL BISHOP, GUARDIAN OF THE PERSONS AND ESTATES OF JOSHUA ASHTON AND OTHERS.

On the Petition of Lemuel Bishop as Guardian of the Persons & Estates of Joshua Ashton, Betsey Ashton and Samuel B. Ashton, all of Providence in the State of Rhode Island.

*Resolved* for the Reasons set forth in sd. Petition that the said Lemuel Bishop as Guardian aforesaid be, and he hereby is authorized and impowered to sell, and Dispose of about four Acres of wood land, situate in the Town of Rehoboth in the County of Bristol, and belonging to the minors above mentioned. And to execute a good and sufficient Deed or Deeds thereof.

*Conditioned however* that the said Lemuel Bishop shall dispose of the same at Public auction, and shall give bond to the Judge of Probate for the County of Bristol with two Sufficient Sureties, and Shall Conferm himself in all Respects in the sale thereof, to the Law of this Commonwealth authorizing Executors, Administrators and Guardians to make sale of Real Estate within this Commonwealth.

*March 7, 1806.*

**Chapter 134.**

RESOLVE ON THE MEMORIAL OF HENRY GHAN, SWEDISH CONSUL, EMPOWERING THE SUPREME COURT OF PROBATE TO HEAR AND DECIDE CLAIMS TO THE ESTATE OF ELIAS NORBERG, DECEASED.

The Committee to whom was referred the memorial of Henry Ghan, Consul of the King of Sweden, requesting that the Treasurer might be directed to pay him \$8421.12, the personal estate of Elias Norberg deceased, to be sent to the Government of Sweeden, to be there distributed among those, who should there prove themselves to be next of Kin, according to the laws of that Kingdom. Report as their opinion,

That those who claim ought to prove their kindred before a court in this State; & not before a court in the Kingdom of Sweden.

That distribution, if any must be made according to the Laws of this State, & not of Sweeden.

And That if no persons should appear to make out their

Claim, as next of kin, the said estate will be the property of this Commonwealth.

But it becomes the honor of this Commonwealth to provide some easy mode whereby such kindred may make out their claims, according to law, without petitioning the Legislature. Wherefore the Committee further report the following resolve.

Whereas Elias Norberg, a native of the Kingdom of Sweden, but legally naturalized & admitted as a citizen of this State, lately deced. here; leaving personal Estate the net proceeds whereof to the amount of \$8421.12 have been paid into the Treasury of this Commonwealth, untill some persons entitled to the same as next of kin shall appear:

*Resolved* That the Supreme Court of Probate be & they hereby are empowered, at any time within twenty years from the passing of this resolve, to receive the memorial, or petition, of any person, or persons, claiming the said sum of money, as next of kin to the said Elias Norberg; and after Reasonable notice given to the Attorney General, to appear & defend, the said Supreme Court of Probate shall decree upon said claims, according to law. In the trial of which cause, it shall be in the power, & discretion, of said Court, to order any issues of fact to be tried by a Jury. And the Treasurer of this Commonwealth is hereby directed to pay the said Sum to any person, or persons, or his or their agent or attorney, to whom the Said Supreme Court shall decree the same to belong, upon production of an attested Copy of such decree & receipt thereon.

*March 7, 1806.*

### Chapter 135.

RESOLVE ON THE PETITION OF THE SOCIETY FOR PROPAGATING THE GOSPEL AMONG THE INDIANS AND OTHERS IN NORTH AMERICA.

On the petition of the Society for propagating the Gospel among the Indians & others in North America.

*Resolved* that there be granted & paid to the Society for propagating the Gospel, among the Indians and others in North America, out of the Treasury of this Commonwealth, the sum of One Thousand Dollars, to be laid out & expended in educating the youth, and for propagating the Gospel in such parts of this Commonwealth, as are unable to furnish themselves with teachers and instructors.

*March 7, 1806.*

**Chapter 136.**

## RESOLVE ON THE PETITION OF WILLIAM DODD AND OTHERS.

Whereas William Dodd and others hereinafter named owners and Proprietors of certain lands hereinafter described, have completed all their payments for the same, and Deeds have accordingly been given of the same subject however to the Settlement Duties which they have not been able to complete :

*Resolved*, That William Dodd owner of Township Number Six in the Eighth Range of Townships lying north of the Waldo Patent ; Edward Blake Junior, owner of Township Number three in the third Range, west of Bingham's purchase and east of the line of New Hampshire — Joseph Blake owner of Township Number One in the fifth Range and number five in the eighth Range of Townships north of the Waldo Patent, Aaron Hobart owner of Township Number ten in Passamaquoddy on Dennis River ; George Blake and John Peck owners of Township number seven, one of the Townships of Eight lying between the River Androsscoggin and Kennebec as surveyed by Samuel Titcomb in the year of our Lord one thousand Seven Hundred and Ninety three — Benjamin Hitchborn and John Peck owners of Township Number two in the second Range lying between Bingham's Million of Acres and New Hampshire line. Samuel Parkman owner of Township Number Eight in the Eighth Range, and Number Five in the Sixth Range North of the Waldo Patent. Jonathan Hastings owner of Number three in the Seventh Range North of the Waldo Patent William Phillips owner of Township Number One being one of the Townships of Eight aforesaid — John Warren owner of Townships Number four in the fourth Range North of the Waldo Patent, and Number three north of the Plymouth Claim — Benjamin Joy and others owners of Townships Number Six and Eight being two of the Townships of Eight aforesaid and of Number four in the first Range North of the Waldo Patent — Number two in the fourth Range, Number two in the third Range and Number three in the fourth Range North of the Waldo Patent. Benjamin Hitchborn and others owners of Number two in the third Range lying between Bingham's Million of Acres and the line of New Hampshire — Leonard Jarvis owner of Township Number Seven and

Eight and a Gore of land lying North of said Townships all lying between Penobscott River and the Lottery Townships and Benjamin Bussey owner of Township Number four in the fourth Range lying between Bingham's Million of Acres and the New Hampshire line — shall be & they are hereby allowed the further time of three years from the passing of this Resolve to complete their settlements on the Townships & Lots aforesaid according to the several Deeds from this Commonwealth of the said lands and Townships to the original Grantees thereof.

*March 7, 1806.*

### Chapter 137.

RESOLVE DIRECTING THE SECRETARY TO DELIVER DENNING SHEFFIELD, A FORMER CONTINENTAL SOLDIER, A CERTIFICATE FOR A SOLDIER'S LOT IN MARS HILL TOWNSHIP.

Whereas Denning Sheffield a private Soldier in the late Continental Army about three years ago proved his title to two hundred Acres of land or twenty dollars, agreeable to a Resolve past the fifth day of March one thousand eight hundred and one, and the said Denning Sheffield's name was, through Mistake entered on the list for money instead of Land, which money he has not taken, therefore

*Resolved*, That the Secretary, be and he hereby is directed to grant the said Denning Sheffield a Certificate for a Lot of land in Mars Hill Township, he the said Sheffield relinquishing his claim to the said money.

*March 8, 1806.*

### Chapter 138.

RESOLVE GRANTING 50 DOLLARS TO JOSEPH STACEY HASTINGS, FOR APPREHENDING DANIEL BRIGGS FOR PASSING COUNTERFEIT MONEY.

On the petition of Joseph Stacey Hastings praying that he may be allowed the sum of Fifty Dollars, for apprehending & bringing to justice Daniel Briggs for passing counterfeit money.

*Resolved* for Reasons sett forth in said petition That there be allowed and paid out of the Treasury of this Commonwealth to the said Joseph S. Hastings the Sum of fifty dollars.

*March 10, 1806.*

**Chapter 139.**

RESOLVE ON THE PETITION OF CHARLES BULFINCH, DIRECTING THE COMMITTEE FOR THE SALE OF EASTERN LANDS TO CANCEL HIS CONTRACTS AND RENEW THE SAME WITH JOHN PARKER BOYD.

On the petition of Charles Bulfinch, praying further time to fulfill his contracts for Township No. 2 — in the 7th, No. 4 in the 8th, and No. 4 — in the 9th Ranges — North of the Waldo Patent.

*Resolved* for reasons set forth in said petition that the Agents for the sale of Eastern Lands, be, & hereby are authorised, and directed, on the payment of all costs, which have arisen on the notes given for said contracts, and upon which notes, execution has issued; to cancell the original contracts made with said Bulfinch, and renew the same with John Parker Boyd, with the usual conditions contain'd in such contracts he, the sd. Boyd, executing, and delivering to said Agents his notes for securing the payments of the sum that shall remain due on the Executions against sd. Bulfinch & others — payable in four equal annual instalments, with interest, & that on the performance of the provisions of this resolve, the notes aforesaid given by the said Bulfinch & others be cancelled & render'd void.

*March 10, 1806.*

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**Chapter 140.**

RESOLVE GRANTING ONE TOWNSHIP TO THE TRUSTEES OF BOWDOIN COLLEGE IN LIEU OF THE TWO TOWNSHIPS BEFORE GRANTED.

On the Petition of the President of Bowdoin Colledge.

*Resolved*, that there be and hereby is Granted to Bowdoin College, for the use and benefit thereof, in lue of the two Townships Petitioned for as aforesaid, The Township of land, number four in the Second Range of Townships north of the Waldo Patent, (Said Township being considered by the committee full equal in Value to the Two unlocated Townships prayd for) and the Agents for the Sale of Eastern lands are hereby Authorized to assign the aforesaid Township to the Trustees of Said College, Subject to such restrictions and Reservations as is usual in Similar Grants.

*March 11, 1806.*



**Chapter 141.**

RESOLVE DIRECTING SILAS HOLMAN, ESQ., TO PAY INTO THE PUBLIC TREASURY THE BALANCE OF MONEY IN HIS HANDS BELONGING TO THE ESTATE OF JOHN JEYKELL, AND DISCHARGING HIM FROM HIS AGENCY.

Whereas Silas Holman Esqr. by a resolve of the seventh of March Eighteen hundred and One was appointed Agent to take care of certain real Estate of John Jeykell esqr. deceased Situated in the Towns of Stow and Boxborough in the County of Middlesex — and whereas Inquest of Office has been Instituted and had, and the Supreme Judicial Court on the fifth day of March eighteen hundred & three did Adjudge and determine that the Commonwealth take nothing by said Inquest :

*Resolved* That Silas Holman Esq. be and he hereby is directed to pay into the Treasury of this Commonwealth the sum of Three hundred & seventy eight dollars & seventy seven cents for the use and benefit of the Legal Heirs of him the said John Jeykell — it being the true ballance of the money which has come into the hands of said Holman by virtue of his said Trust. *And be it further resolved* That the said Silas Holman esqr. on paying the sum aforesaid into the Treasury as aforesaid be and he hereby is discharged of his said trust. *March 11, 1806.*

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**Chapter 142.**

RESOLVE ON THE PETITION OF EDWARD K. WOLCOTT.

On the petition of Edward Kitchin Wolcott stating that by the last will and testament of Henry Sewall late of Brookline Esq. certain real estate was devised to his son Samuel Sewall subject to an annuity of One Hundred Pounds sterling a year for the term of fifteen years payable to his the said Henry Sewalls daughter Hannah the now wife of the said Edward, that the estate of said Samuel Sewal subject to sd. annuity has been confiscated & sold by this Commonwealth with Warranty and that Eleven years of said Annuity only have been paid to the said Edward & Hannah and that the residue of said Annuity has never been paid but still remains due and unpaid and whereas it appears that the same residue is still due therefore,

*Resolved* that the petition of said Edward be so far granted as that the sum of Seventeen Hundred and seventy seven dollars & seventy seven cents be paid to said Edward out of the Treasury of this Commonwealth in full satisfaction of said Annuity and every part thereof, and that his Excellency the Governor be requested to draw his warrant for the same.

*Provided* the said Wolcot shall make and execute a good & sufficient release of all demands against the Commonwealth for or on account of the annuity given in and by said will.

*March 11, 1806.*

### Chapter 143.

RESOLVE ALLOWING COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF SUFFOLK AND GRANTING A TAX.

Whereas the Treasurer of the County of Suffolk, has laid his accounts before the General Court, for examination, which accounts are hereby allowed: And Whereas the Clerk of the Court of General Sessions of the Peace, for the said County has exhibited an estimate, made by the said Court of the necessary charges which may arise within the said County, for the current year, amounting to Ten thousand Dollars:

*Resolved* that the sum of Ten thousand Dollars be and hereby is granted as a Tax, for the said County of Suffolk for the ensuing year, to be apportioned and assessed, paid, collected & applied, for the purposes aforesaid according to Law.

*March 11, 1806.*

### Chapter 144.

RESOLVE DIRECTING THE SECRETARY TO HAVE TRANSCRIBED INTO ONE VOLUME SUCH RECORDS OF THE COLONY OF MASSACHUSETTS BAY AS RELATE TO THE HISTORY, LAWS, JURISPRUDENCE, AND SETTLEMENT OF THE COUNTRY.

*Resolved* that the Secretary be and he hereby is directed to cause to be transcribed into one Volume, so much of the records of the General Court, or Governor and Company, of the Colony of Massachusetts Bay as shall relate to the History Laws Jurisprudence & settlement of the country, and that he lay his account for that service before the General Court for allowance and payment.

*And it is further resolved* that Theophilus Parsons Esqr. Hon. John Davis Esqr. Hon. John Phillips Esqr. or either

of them be authorised to designate such parts of the said records as relate to the objects aforesaid, and that the Secretary may entrust the said records with the said Theophilus Parsons John Davis & John Phillips — for the purpose of making the said designation.

*March 11, 1806.*

### Chapter 145.

RESOLVE DISCHARGING THE AGENTS FOR BUILDING THE STATE PRISON OF MONIES RECEIVED AND DISBURSED, AND GRANTING THEM COMMISSIONS AND MONEY TO PAY SUNDRY ACCOUNTS.

Whereas the Agents for building the State-Prison, have exhibited an account of the application and payment of all the Money appropriated to that object, and have stated an account of sundry adjusted ballances that remain due, all which have been fully examined, and found to be correct: Therefore

*Resolved*, that their accounts of the Expenditures, and disbursments made since the fourteenth day of March, one thousand eight hundred and five, being the time of their last settlement, amounting to Thirty six Thousand Dollars be, and they hereby are allowed; and the said Agents are hereby discharged of that sum.

*And be it further Resolved*, That there be allowed and paid out of the Treasury, to His Honor Edward H. Robbins Esqr. Jonathan Hunnewell and Charles Bulfinch Esqrs. The sum of Two thousand eight hundred eighty seven dollars and fifty cents, being Nine hundred sixty two Dollars and fifty cents to each of them; and the further sum of Four hundred seventy two dollars and fifty cents, to be paid to the Executor of the last Will of Peleg Coffin Esqr. deceased, late an Agent aforesaid, being three and an half per Cent on this Adjustment, and on their account settled without Commissions March 14th, 1805 which, with their former allowance, shall be in full for their respective services in said business.

*And be it further Resolved*, That there be allowed and paid out of the Treasury, to the Agents aforementioned, the further sum of Six Thousand Dollars, by them to be paid to the following persons — to wit — To John Park, Fifteen hundred ninety seven dollars and ten cents — To Steward J. Park, Eighteen hundred, eighty three dollars and five cents — To Amos Lincoln Eight hundred dollars twenty

five cents — To Adam Hobart, five hundred sixty nine dollars and fifty cents — To Josiah Bemis, four hundred dollars, To Ebenezer and J. Breed, the sum of Two hundred eighteen dollars and fifty cents, To the agents of the Glass Manufactory in Boston, one hundred thirty eight dollars and forty cents — To Archibald McNeil Two hundred dollars to Messrs. Jaques & Skelton, one hundred and fifty dollars, and to Thomas Chase, forty three dollars and twenty cents, which when paid, shall be in full for their several demands on the Commonwealth, for services performed, and Materials furnished for Building the State Prison.

*March 11, 1806.*

### Chapter 146.

RESOLVE CONTINUING THE SEVERAL RESOLVES RESPECTING GRATUITIES TO CONTINENTAL SOLDIERS.

Whereas the Resolves passed the fifth day of March and nineteenth day of June 1801, and March ninth 1804 and also the fifteenth of March 1805, respecting Soldiers Lands or money in lue thereof, have expired, and [*it*] is expedient to revive, all the aforesaid Resolves, and continue the same in force for some longer time : Therefore

*Resolved*, That all the aforesaid Resolves be, and the Same hereby are revived, and shall continue in force untill the first day of March, which will be in the Year of our Lord one thousand eight hundred and Eight, and all persons entitled to any benefit by virtue of the said Resolves, or either of them, shall and may receive the same within said time, in as full and compleat a manner as they might have done, had the said Resolves not expired.

*March 12, 1806.*

### Chapter 147.

RESOLVE ALLOWING TWO OR MORE JUSTICES OF THE SUPREME JUDICIAL COURT TO HOLD COURT AT THE NEXT TERM OF SAID COURT IN HANCOCK COUNTY.

*Resolved* That the next term of the Supreme Judicial Court to be holden at Castine in the County of Hancock & for the counties of Hancock & Washington may be holden by two or more of the Justices of the same Court any law to the contrary notwithstanding.

*March 12, 1806.*

**Chapter 148.**

RESOLVE FOR PAYMENT OF THE CHAPLAINS AND CLERKS OF  
THE SENATE AND HOUSE OF REPRESENTATIVES.

*Resolved* that there be allowed and paid out of the Treasury of this Commonwealth, to the Revd. William Emerson, Chaplain of the Senate & to the Revd. Thomas Baldwin, Chaplain of the House of Representatives the sum of sixty dollars respectively; to Wendell Davis, Esquire Clerk of the Senate and to Nicholas Tillinghast Esquire, Clerk of the House of Representatives, the sum of three hundred and fifty Dollars, respectively; to Samuel F. McCleary, Assistant Clerk of the Senate and Thomas Walcutt, Assistant Clerk of the House of Representatives, the sum of two hundred dollars respectively which with the sums heretofore granted shall be in full for their services as aforesaid the present year. *March 12, 1806.*

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**Chapter 149.**

RESOLVE DIRECTING THE QUARTER MASTER GENERAL TO  
ERECT GUN HOUSES AND SUPPLY TWO COMPANIES OF  
ARTILLERY WITH FIELD PIECES, &c.

*Resolved* that Amasa Davis Esqr. Quarter Master General be and he hereby is Authorized and directed when the exigencies of the Commonwealth require it to erect suitable buildings for the safe keeping of the Artillery and Military Stores in the several Divisions of Militia of this Commonwealth and of a size not exceeding an Area of Twenty five by eighteen feet, with eight feet Posts, and to build and finish the same with Wood in a workman like manner, and Accommodated to the purpose aforesaid.

*And be it further resolved* that there be allowed & paid out of the Treasury of this Commonwealth to the said Quarter Master General the sum of One hundred and seventy five Dollars for each of such buildings which he may find expedient to erect.

*And be it further resolved* that the said Quarter Master General be and he hereby is Authorized and directed to purchase two pair of Brass field pieces, six pounders, with the necessary Carriages & apparatus for the same, for the use of Two Artillery Companies now deficient of such pieces, and pay for the same with the funds already provided, and in the hands of him the said Quarter Master General. *March 12, 1806.*

**Chapter 150.**

RESOLVE AUTHORIZING BURNUM HATHAWAY TO EXECUTE A DEED TO STEPHEN JONES.

On the petition of Burnum Hathaway.

Whereas by the petition of Burnum Hathaway administrator *de bonis non* on the estate of Eleazor Hathaway late of Machias in the County of Washington, yeoman, deceased and by the documents accompanying the same it appears, that Sarah Hathaway late of said Machias deceased being the former administratrix on said estate having obtained license to sell the real estate of said Eleazer for the payment of his just debts did at a public auction duly notified & held at the house of John Foster in Machias aforesaid, on the thirtieth day of June in the year of our Lord one thousand eight hundred & three sell to Stephen Jones of said Machias Esquire two parcels of land with the buildings thereon lying and being in Machias aforesaid to wit one lot of land estimated at thirty six acres more or less situate at East river, also one house & barn & about one acre of land situate near East river mills. And whereas said Sarah died before a deed thereof had been executed — therefore

*Resolved*, that the said Burnum Hathaway in his capacity of administrator as aforesaid be & he hereby is authorized & empowered to execute to said Stephen Jones a good and sufficient deed of the two parcels of land sold as aforesaid.

*March 12, 1806.*

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**Chapter 151.**

RESOLVE FOR PAYMENT OF THE COMMITTEE ON ACCOUNTS.

*Resolved*, that there be allowed and paid out of the public Treasury of this Commonwealth, to the Committee appointed to examine and pass on accounts, for their attendance on that Service during the present Session, the Sums annexed to their names, in addition to their pay as Members of the Legislature, Vizt. To the Honble. Thomas Hale Esqr. forty seven days, the Sum of forty Seven dollars; to the Honble. John Farley Esqr. twenty Eight days, Twenty Eight dollars; to Stephen Monroe Esqr. twenty nine days, the Sum of twenty nine dollars; To Samuel Porter Esqr. twenty eight days, the Sum of Twenty Eight dollars; to Joseph Titcomb, forty three days, the Sum of forty three dollars; which Sums shall be in full for their services aforesaid. *March 12, 1806.*

**Chapter 152.****RESOLVE AUTHORIZING THE AGENTS FOR THE SALE OF EASTERN LANDS TO EXECUTE DEEDS TO CERTAIN SETTLERS.**

Whereas by a resolve passed the 7th March 1804 upon the Petition of John Cowen & others, of township No. 2, in the 2d Range north of the Waldo Patent among other things it was provided that Salem Towne Esquire should repair to said Township & hear the claims of all Persons claiming to be quieted and should make a return of said Township together with a Plan (placing the names of the claimants on their respective lots) into the Office of the Agents for the sale of Eastern lands within one year, from the passing of said resolve, and that each of the settlers who should within two years pay to the Treasurer of the Commonwealth for the time being the sum due for his lot as is prescribed in a resolve of the 10th March 1797 together with the interest thereon should be entitled to receive of the said Treasurer a good and sufficient Deed of his said lot, instead of whom the Agents for the sale of Eastern lands ought to have been authorised to give said Deeds.

Wherefore, *Be it resolved* that the Agents for the sale of Eastern lands, be hereby authorised and required to make and execute good and sufficient Deeds of release, to those who were returned as aforesaid, upon the payment, security & conditions required on the part of such settlers agreeably to the resolve of 10th March 1797 any thing in the resolves aforesaid to the contrary notwithstanding.

*March 13, 1806.*

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**Chapter 153.****RESOLVE DISCHARGING AGENTS FOR THE SALE OF EASTERN LANDS OF A CERTAIN SUM OF MONEY.**

Whereas John Read Esquire surviveing Agent for the sale of Eastern lands has exhibited an account of sundry conveyances made by him in connexion with Peleg Coffin Esquire, bearing date the 25 Feby. 1806 amounting to sixteen hundred and eighty five dollars and seventy five cents which on examination appears to be well vouched and right cast, and by which it also appears that they have paid into the Treasury the above sum as per duplicate receipts in the hands of John Read Esq. therefore,

*Resolved*, that the Agents aforesaid be, and hereby are discharged of the sum of sixteen hundred and eighty-five dollars, and seventy five cents. *March 13, 1806.*

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### Chapter 154.

RESOLVE RESPECTING SETTLERS ON UNAPPROPRIATED LANDS  
IN BERKSHIRE COUNTY.

Whereas the General Court of this Commonwealth, on the twenty-first day of February, in the year of our Lord, one thousand eight hundred and four, passed a resolve authorising Simon Larned and Moses Hopkins to take possession and make sale of the unappropriated lands within the county of Berkshire, and a number of persons have petitioned this Court to be quieted in the possession of lands, which they hold by fair purchase from persons who, or whose ancestors or grantors have possessed the same for a long time under a supposed title :

*Resolved*, That the said Simon Larned and Moses Hopkins be, and they are hereby directed to forbear entering on, or making sale of any lands, which have been in the quiet possession of any persons, their ancestors or grantors, for more than thirty years. *March 13, 1806.*

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### Chapter 155.

RESOLVE ON THE PETITION OF JOHN BAKER, DIRECTING THE  
SECRETARY TO ISSUE TO HIM A LAND CERTIFICATE.

On the Petition of John Baker late a Serjeant in the American Army who enlisted therein in the year one thousand seven hundred and seventy eight and served under that inlistment during the late revolutionary war as one of this States Quota praying that the Commonwealth would grant to him two hundred acres of Land as hath heretofore been done to his Brother Soldiers.

*Resolved* for reasons set forth in said Petition that the prayer thereof be granted — and that the Secretary of this Commonwealth issue his Certificate therefor to the said Baker as is usual, and practiced in similar cases.

*March 13, 1806.*



**Chapter 156.**

RESOLVE MAKING APPROPRIATION FOR THE NEXT ELECTION  
SERMON.

*Resolved* that there be allowed and paid out of the Treasury of the Commonwealth the sum of Fifty Dollars, to the Gentleman who shall preach the election sermon, on the last wednesday of May next. *March 13, 1806.*

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**Chapter 157.**

RESOLVE APPOINTING A COMMITTEE TO PROCURE PORTRAITS  
OF THE PRESIDENTS OF THE UNITED STATES.

*Resolved*, That the President of the Senate & the Speaker of the House of Representatives Be a committee to procure for the use of this Commonwealth, three full length Portraits, one of each of the late Presidents & one of the present President of the United States, & place the same in some suitable place in the State House, & that the sum of Eighteen hundred dollars be & is hereby appropriated for that purpose — & the Committee heretofore appointed upon the same subject, be & they are hereby discharged from any further proceedings thereon. *March 13, 1806.*

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**Chapter 158.**

RESOLVE APPOINTING A COMMITTEE TO EXPLORE AND SURVEY  
A ROUTE FOR A WATER COMMUNICATION FROM BOSTON  
HARBOUR TO LONG ISLAND SOUND.

*Resolved*, that Loammi Baldwin & Eliphalet Loud Esqrs. & William Taylor Esqr. be a Committee to explore and Survey at the expence of this Common wealth a Rout for a water Communication from the Harbour of Boston through the Towns of Weymouth Abington Bridgewater Raynham by Taunton River Narraganset Bay to Long Island Sound, and make report at the second Session of the next General Court. *March 13, 1806.*

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**Chapter 159.**

RESOLVE ON THE PETITION OF JOHN W. FOLSOM.

On the petition of John W. Folsom, praying that the sum of eighty three dollars & thirty cents be allowed & paid to him for monies advanced by him in the performance of the duties of his office, as one of the Coroners for

the County of Suffolk, & for the allowance & payment of which there is no existing provision in law.

*Resolved*, That there be allowed & paid to the said John W. Folsom, out of the Treasury of this Commonwealth, the aforesaid sum of eighty three dollars & thirty cents, in full satisfaction of the claims set forth in said petition. And his Excellency the Governor, by & with the advice & consent of the Council, is hereby requested to issue his warrant on the Treasury accordingly.

*March 13, 1806.*

### Chapter 160.

RESOLVE AUTHORIZING ANY TWO JUSTICES OF THE SUPREME JUDICIAL COURT TO HAVE COGNIZANCE OF CAPITAL CRIMES AND OFFENCES AT THE NEXT TERM OF SAID COURT IN MIDDLESEX, HAMPSHIRE, AND WORCESTER COUNTIES.

*Resolved* that any two or more of the Justices of the Supreme Judicial Court who shall attend at the Supreme Judicial Court next to be holden at Concord within & for the County of Middlesex on the second tuesday of April next & at Worcester within & for the county of Worcester on the third Tuesday of April next; and at Northampton within and for the County of Hampshire on the fourth Tuesday of April next respectively by virtue of an Act passed the fifteenth day of March in the year of our Lord one thousand eight hundred & five entitled “an act making further provision in the Judicial Department shall have cognizance of all crimes & offences,” whatsoever whereof any three or more of the said Justices holding any Court by virtue of the sixth section of the same act might have cognizance, any thing in said act notwithstanding.

*March 13, 1806.*

### Chapter 161.

RESOLVE MAKING AN ALLOWANCE TO THOMAS WALLCUTT.

*Resolved* that Sixty six Dollars be allowed and paid out of the public Treasury to Thos. Wallcut, in full for writing done for the House of Representatives previous to the Sessions of the Legislature, agreeably to his account herewith exhibited.

*March 13, 1806.*

**Chapter 162.**

RESOLVE MAKING A GRANT TO SAMUEL MOREY FOR SERVICES.

*Resolved* that there be paid out of the Treasury of this Commonwealth to Samuel Morey Esq. of Norton in the County of Bristol, four dollars in full for his taking depositions in Rehoboth, by order of the House of Representatives, at their Session in May, One thousand eight hundred & five, on the petition of Russell Smith & others.

*March 14, 1806.*

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**Chapter 163.**

RESOLVE GRANTING 200 DOLLARS TO THE HON. THEOPHILUS PARSONS, ESQR., AND OTHERS, FOR THE PURPOSE OF MAKING ADDITIONS TO THE LIBRARY OF THE HOUSE OF REPRESENTATIVES.

*Resolved* That there be allowed & paid out of the Treasury of this Commonwealth the sum of two hundred dollars for the purpose of making additions to the Library of the House of Representatives, to Theophilus Parsons Esqr. Joseph Story Esqr. & John Welles Esq. who shall be a Committee to receive the said money, and superintend the selection of the books for this purpose and to account therefor to the House of Representatives at their next session.

*March 14, 1806.*

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**Chapter 164.**

RESOLVE ON THE PETITION OF SILAS GATES.

On the petition of Silas Gates one of the Coroners of the County of Middlesex praying to be repaid the Expences incurred by him for the funeral Charges of a Stranger who was found dead in the Town of Marlborough in said County.

*Resolved* that the prayer of said petition be granted, and that there be allowed and paid out of the Treasury of this Commonwealth to the said Silas Gates the sum of Twelve Dollars in full of the Expences incurred by him as aforesaid.

*March 14, 1806.*

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**Chapter 165.**

RESOLVE GRANTING 200 DOLLARS TO JACOB KUHN, MESSENGER TO THE GENERAL COURT, FOR REPAIRS, ETC.

*Resolved* that there be allowed & paid Out of the Treasury of this Commonwealth to Jacob Kuhn messenger

of this House the sum of Two Hundred Dollars for the purpose of Repairing or Renewing the Furniture of the same he to account for the expenditure thereof.

*March 14, 1806.*

### Chapter 166.

RESOLVE APPOINTING A COMMITTEE TO LOCATE THE TURNPIKE ROAD FROM WRENTHAM TO WALPOLE AUTHORIZED BY AN ACT OF MARCH 12, 1806.

*Resolved* that Eliphalet Loud, Elijah Crane, and Benja. Randal, Esqrs., be and they are hereby appointed a Committee to locate the Turnpike Road from Wrentham to Walpole granted by an act passed March 12th 1806 and that the said Committee are hereby authorised and empowered to locate the same of a less width than four rods in such place, or places where the Publick convenience will in their opinion permit; *Provided* the same shall in no part thereof be of less width than three rods.

*March 14, 1806.*

### Chapter 167.

PAY-ROLL, NO. 54.

The Committee on Accounts, having examined the several accounts they now present:

Report, that there are due to the corporations and persons hereafter mentioned, the sums set to their names respectively, which, when allow'd and paid, will be in full discharge of the said accounts, to the several dates therein mentioned.

Which is respectfully submitted,

THOMAS HALE, *per order.*

#### *Pauper Accounts.*

	Dolls. Cts.
To the town of Abington, for boarding & Clothing Margaret Benner to 1 January 1806 . . . . .	51 66
To the town of Adams, for boarding & Clothing, Freeman Blakely, Cathrine, an Indian, & Susannah Camp to 29 Jany. 1806 . . . . .	174 57
To the town of Andover, for boarding & Clothing, Patrick Callahan, to 2 February 1806, & Alexr. Theophilus to the time of his going away, including Doctors Bills & William Cunningham to same time . . . . .	141 35

	Dolla. Cts.
To the town of Almsbury, for boarding & Clothing, & Doctoring, Thomas Jordan to the 14th August 1805 . . . . .	46 75
To the town of Attleborough, for boarding & Clothing the wife and Children of John Sensebo & Bene Prince to December 25 1805 . . . . .	53 92
To the town of Barre, for Boarding & Clothing, nursing & Doctorg. John C. Dandrich & Moses Mellery to 3 January 1806 . . . . .	66 66
To the town of Boxford, for boarding, Clothing & Doctorg. Mehitible Hall to January 1 1806 — . . . . .	77 92
To the town of Boxborough, for boarding & Clothing John Kennedy to 1 Jany. 1806 . . . . .	45 75
To the town of Barnstable, for boarding & Clothing, John Lathrop, to the 7 Jany. 1806 . . . . .	96 66
To the town of Brookfield, for boarding, Clothing, & Doctorg. Luke Phinney, & George Baslington, to 1 January 1806, . . . . .	105 71
To the town of Beverley, for boarding, Clothing, nursing & Doctorg. sundry paupers, to 31 January 1806 . . . . .	216 92
To the town of Bridgewater, for boardg. & clothing Henry Ash & Benjamin Palmer & Wm. Blakeley to 1 January 1806 . . . . .	128 29
To the town of Boston, for boarding & Clothing sundry Paupers including funeral charges, & the sum of two hundred & forty three dollars & two cents, allowance for the Master of the Alms House, to 1 December 1805 . . . . .	3,740 19
To the town of Billerica, for boarding & Clothing, Michael Taylor & Supplies to William Love & family to 30 January 1806 . . . . .	141 86
To Joseph Barrett, keeper of the Goal in Concord, for boarding & Clothing John O. Ward & James Ramsay, poor Debtors, to 17 February 1806 . . . . .	131 85
To the town of Berwick, for boarding & Clothing Ambrose Vickery to the time of his Death, including Doctors Bills & funeral Charges . . . . .	65 66
To the town of Brookline, for supporting Jacob Harvey to 17 February 1806 . . . . .	58 53
To the Boston Board of Health, for boarding, nursing & Doctoring Sundry paupers, on Rainsfords Island, including funeral Charges to ye 18th February 1806 . . . . .	646 75
To the town of Charlemont, for boarding & Clothing, Abraham Bass, to 16 January 1806 . . . . .	77 60
To the town of Coleraine, for boarding, Clothing, nursing & Doctorg. William Wilson, & Rachell Carr to 1 Jany. 1806 & Benja. Cantrell to ye 10 Sept. 1805 & Supplies to Henry Rogers' family to 1 Jany. 1806 . . . . .	147 99
To the town of Conway, for Supplies to John Allen, including Doctors Bills, to 22 January 1806 . . . . .	64 15
To the town of Carlisle, for boarding, clothing & Doctoring Matthew Jammeson to the time of his Death, including funeral charges, & Robert Barber, to the 1 February 1806 . . . . .	188 40
To the town of Cambridge, for boardg. Clothing & Doctoring Kezia Powers to 7 Feby. 1806 . . . . .	68 60
To the town of Charlton, for boarding, clothing & Doctoring, Thomas Adams & Edward Madden to 1 January 1806 . . . . .	93 33

	Dolls.	Cts.
To the town of Cape Elizabeth, for boarding & Clothing James Ramsbottom & George Jehays to 30 January 1806	94	99
To the town of Chelmsford, for supplies to Catherine McClenny to 11 February 1806	25	50
To the town of Concord, for boarding & Clothing George Blake to 30 April 1805 & William Shaw to 20 January 1806	85	67
To the town of Charlestown, for boarding & Clothing Jonathan Nichols to 21 January 1806 & Edward Swaney & Alexr. Theophilus to 13 May 1805 & Willm. Cunningham to 20 July 1805, including Doctr. Gamage's bill	190	98
To the town of Duxbury, for supplies, nursing & Doctorg. Wm. Thompson to 14 June 1805	77	37
To the town of Dunstable, for boarding, Clothing & Doctoring Margeret Lane to the 23 January 1806	58	92
To the town of Danvers, for boarding & Clothing John J. Hires, to 6 February 1806 & Jerusha Bird to the time of he[r] Death including funeral Charges	100	40
To the town of Deerfield, for boarding, Clothing & Doctoring Eunice Converse to 2d February 1806 & William Clareck to 24 January 1806	168	55
To the town of Dedham, for boardg. Clothg. & Doctoring Eleanor Carryl to 1 Jany. 1806	33	28
To the town of Dover, for boardg. & Clothing Patrick Cowan to 19 Feby. 1806	103	95
To the town of Egremont, for boardg. and Clothing Mary Daly, & three Ideot Children, to 7 January 1806	238	93
To the town of Edgarton, for Supplies to Elias Solin to 1 January 1806	10	
To the town of Eastport, for boardg. & Doctoring Benja. Brown to ye time of his Death, including Funeral Charges, & John McColly to the time of sending him out of the State	44	45
To the town of Fayette, for boarding & Clothing William G. Martin to 6 January 1806	66	50
To the town of Freetown, for boarding & Clothing John Conolly, to 6 January 1806	85	13
To the town of Franklin, for boarding & Clothing Alexr. Reed to the time of his Death, including funeral Charges	78	80
To the town of Granby, for boarding Clothing & Doctoring Ebenezer Darwin & John Murray to 13 January 1806	106	8
To the town of Gloucester, for boardg. Clothg. & Doctoring, Sundry paupers to 10 Novr. 1805	994	28
To the town of Gill, for boardg. & Clothing Sarah Hambleton, to 15 January 1806 & Peter Mange to the time of his Death & funeral charges	62	96
To the town of Great Barrington, for boarding, Clothing & Doctorg. Isaac, Cathrine & Mary Hoose & Tom, a negro, to January 4, 1806	200	71
To the town of Greenfield, for boardg. Clothg. & Doctoring James Logan to 22 Jany. 1806	76	39
To the town of Groton, for boarding, clothing, nursing & Doctg. Eunice Bentrodt, Edward McLane & John C. Wright & wife & William Le Pere to 10 January 1806	330	41
To the town of Gardner, for Doctoring, Bruce Sanderson, to 1 January 1805	30	

	Dolls. Cts.
To the town of Grafton, for boarding & Cloathg. James Cook to 16 December 1805 . . . . .	111 76
To the town of Gorham, for boardg. & Clothing Robert Gilfilling to 18 Jany. 1806 . . . . .	85 92
To the town of Hardwick, for boarding, clothg. & Doctg. David Chamberlain to 29 December 1805 . . . . .	61 35
To the town of Hadley, for boarding Clothg. nursing & Doctoring George Andrews & Wife & Friday & Wife to 7 January 1806 . . . . .	138 45
To the town of Hamilton, for boardg. & Clothing Molly Montereif to 1 February 1806 . . . . .	57 92
To the town of Hollowell, for boardg. & clothing Rachel Cummings to 1 Jany. 1806 . . . . .	137
To Joseph Hodgkins, keeper of the House of correction in Ipswich for boardg. & Clothing Sundry Paupers to 18 Januy. 1806 including Doctor Manning's Bill & funeral charges . . . . .	289 44
To the town of Holliston, for supporting, Silence Cook to time of her removal out of the State . . . . .	47
To the town of Hopkinton, for boarding & clothing James Roach to 11 February 1806 . . . . .	57 20
To Caleb Haskell, for doctoring States poor, in Charles- to [w]n to the 21 January 1806 . . . . .	30
To Oliver Hartshorn, keeper of the Goal in Boston, for sup- porting sundry poor Debtors, confined in said Goal, to 21 Feby. 1806 . . . . .	141 68
To John Hudson, keeper of the Goal in Salem, for support- ing John Johnson, confined in Goal, to ye 10 February 1806 . . . . .	114 57
To the town of Haverhill, for boardg. clothg. & Doctoring Phillip Snaa, & William Tapley to 31 December 1805 . . . . .	169 86
To the town of Ipswich, for boarding clothing & Doctoring Hannah Parker & Child to 29 July 1805 & John Obrien to 7th February 1806 . . . . .	132 56
To the town of Lenox, for boarding & Clothing, Christian Crow, & Abraham Palmer & Son to 17 January 1806 . . . . .	106 79
To the town of Leyden, for supplies for Jeddediah Fuller & family to 11 Jany. 1806 including Doctors Bill, . . . . .	91 92
To the town of Longmeadow, for boarding & Cloathing ye wife of William Melross & children to 27 January 1806 & James Robbins & family including Doctors Bills to 1 January 1806 & supplies to John T. Spendler & family to 18 January 1806 . . . . .	118 52
To the town of Lynn, for boardg. & Clothing sundry paupers to 8 Feby. 1806 including funeral charges & Doctors Bills . . . . .	209 39
To the town of Lincoln, for boarding & Clothing Thos. Pocock to 1 February 1806 . . . . .	88 50
To the town of Lincolnville, for boarding clothing & Doc- toring Isabell Woodbury & Alexr. White to 25 January 1806 . . . . .	172 43
To the town of Lunenberg, for boarding, clothing, nursing & doctoring, John Kelly & George W. Shute to 22 January 1806 . . . . .	215 7
To the town of Littleton, for supplies to Richard Crouch to 12 February 1806 . . . . .	32 76
To the town of Lymington, for boarding & clothing John ORyan to 7 January 1806 . . . . .	65 70

	Dolls.	Cts.
To the town of Methuen, for Boarding, clothing & Doctoring Thos. Pace, to 1 Jany. 1806 . . . . .	62	75
To the town of Mendon, for boardg. & Clothing John Hunt & Robert Ellison to 10 January 1806 . . . . .	123	20
To the town of Milton, for boarding & clothing Thos. Webster & John Murray to 4 January 1806 . . . . .	73	95
To the town of Manchester, for boarding, Clothing, & Doctoring, Thos. Douglass to 2 Feby. 1806 & Katy Grovely to the time of her Death & funeral charges . . . . .	119	58
To Thomas Manning, for Doctoring State paupers in the House of correction in Ipswich to 7 February 1806 . . . . .	13	15
To the town of Marblehead, for boarding & Clothing & Doctoring Sundry paupers to 5 February 1806, including Nineteen persons wrecked in Ship Jupiter . . . . .	889	64
To the town of Northampton, for boarding & clothing Will. Welsh & Patience Davis to 2 February 1806 & Supplies to John Ellis & Frederick Smith, including Doctors Bills to 2 Feby. 1806 . . . . .	159	78
To the town of North-Yarmouth, for boarding & Clothing Will. Elwell to 1 Jany. 1806 . . . . .	108	22
To the town of Northboro', for boarding, Clothing, & Doctoring, William Linneham to 22 January 1806 . . . . .	82	23
To the town of Nantucket, for supplies to James Plato & wife & Hannah Gray & Joseph Edy & Boarding & Clothing Casto, to 8 Jany. 1806 . . . . .	195	22
To the town of Newton, for boarding & Clothing Will. Buzard to 4 Feby. 1806 . . . . .	70	29
To the town of Newbury, for boarding, Clothing & Doctoring, sundry paupers to 1 Jany. 1806 including funeral Charges . . . . .	876	88
To the town of New Salem, for Boardg. Clothing & Doctoring, Cesar Thomas, & Cato Barber, to the time of their Death & funeral charges . . . . .	124	52
To the town of Needham, for boarding & Doctoring John Rice to 17 Feby. 1806 . . . . .	25	6
To the town of Newburyport, for boarding & Clothing Sundry paupers to 1 January 1806, including Doctors Bills & funeral Charges . . . . .	1289	75
To the Overseers of Marshpee Indians, for boarding & Clothing Cathrine Asher, Elizabeth Isaacs, Sylvia Linzee & Quasha Bulkia to 10 January 1806 . . . . .	219	20
To the town of Oxford, for boarding & Clothing Cathrine Jordan to January 1 1806 . . . . .	58	51
To the town of Plymton, for boarding, nursing & Doctoring Hannah Mitchell to the time of her Death, including funeral Charges . . . . .	65	37
To the town of Portland, for boarding Clothing & Doctoring sundry paupers to 1 January 1806, including funeral Charges . . . . .	1367	85
To the town of Pittsfield for boarding & Clothing Mary Welsh & Jenny Collins to 15 January 1806 & George Johnson to the time of his Death, including Doctors Bills, & funeral Charges . . . . .	134	84
To the town of Richmond, for boarding, Clothing & Doctoring & removing them out of the State . . . . .	48	75



	Dolls.	Cts.
To the town of Rowley, for boarding & Clothing Hannah Harris, & Elle Collins to 1 January 1806 & Phineas Briggs to 21 Octr. 1805 including Doctoring & Nursing . . . . .	87	36
To the town of Roxbury, for boarding & Clothing, Nursing & Doctoring Sundry paupers to 3 January 1806 . . . . .	467	25
To the town of Reading, for boarding & Clothing & Doctoring, Samuel Bancroft to 25 January 1806 & Saml. North to 8th Octr. 1805 . . . . .	79	94
To the town of Rehoboth, for boardg. Clothing & Nursing Susannah, an Indian Woman, to 11 January 1806 . . . . .	36	75
To the town of Salem, for Boarding, Clothing, & Doctoring Sundry Paupers to 1 January 1806 . . . . .	1154	58
To the town of South Hadley, for Supplies & Doctoring to Peter Pendergrass to 6 November 1805 . . . . .	24	
To the town of Sturbridge, for Supplies & Doctoring Jonas Banton to 2 January 1806 & funeral Charges for Charles Bowler . . . . .	102	69
To the town of Standish, for boarding & Clothing Ellis Noble to 18th May 1805 . . . . .	49	80
To the town of Swansey, for Boardg. & Clothing Manuel Dunsips, Deborah Blinkins, Sally Robbin's Child & Thomas Conolly, to 4 January 1806 . . . . .	92	38
To the town of Southwick, for boarding & Clothing George Reed to 1 January 1806 . . . . .	57	20
To the town of St. George, for boarding & Clothing, Robert Haws, & Eleanor Mathews, to 1 January 1806 . . . . .	109	10
To the town of Sherburn, for boarding & Clothing Benja. Houghton to 29 Jany. 1806 . . . . .	67	20
To the town of Shirley, for boarding & Clothing Simon Cox to 14 February 1806 & Jane Mills to the same time. . . . .	72	31
To the town of Stockbridge, for boardg. & Clothing & Doctoring Joseph Grant to the time of his Death, including funeral Charges, & Sarah Hosford, Samuel Hany, & Suly & Pute his Wife, including Doctrs. Bills to 2 December 1805 . . . . .	184	75
To the town of Stoneham, for Supplies, nursing & Doctoring, Henry Clamrod to 29 January 1806 & William Barton to time of his Death, including Doctors Bills & funeral Charges . . . . .	93	97
To the town of Salisbury, for boarding, Clothing & Doctoring Moses Russell & Philip Chesley to the time of their being sent out of the State . . . . .	38	25
To the town of Springfield, for Boarding, Clothg. & Doctorg. John Padley to 31 Decemr. 1805 . . . . .	65	14
To the town of Tyringham, for boarding & Clothing & Doctoring Fredrick Smith, & Ralph Way, & Supplies to Ebenezer Ayers & family to 1 Jany. 1806 . . . . .	124	43
To the town of Topsfield, for boarding & Doctoring Thomas Comerford to 4 Feby. 1806 . . . . .	51	26
To the town of Taunton, for boarding & Clothing, Jane Jackson, Henry Ash, Hiram McClareck, & George Hazard to 6 February 1806 . . . . .	119	67
To the town of Uxbridge, for boarding & Clothing Betty Trifle, David Mitchell & Patience Hazard to 18 January 1806 . . . . .	208	

	Dolls.	Cts
To the town of Vassalborough, for boarding, nursing & Doctoring William Brown to the time of his Death, including funeral Charges . . . . .	57	
To the town of Warwick, for boarding & Clothing Samuel Griffith to 12 January 1806 . . . . .	26	17
To the town of West Stockbridge, for boarding, Clothing & Doctoring, Elizabeth Durfee & Lucy Lane, to 1 January 1806 . . . . .	125	24
To the town of Windsor, for boarding, Clothing, & Doctorg. Henry Smith & wife to 27 January 1806 . . . . .	87	92
To the town of Winthrop, for boarding & Clothing, Will. Gaskell to 4 January 1806 . . . . .	62	
To the town of Westfield, for boarding, Clothing & Doctorg. Willm. Davis to 1 Jany. 1806 . . . . .	72	17
To the town of West Springfield, for boarding & Clothing William Bell, Godfrey Waggoner, & two Children of Sarah Felt to 4 January 1806 . . . . .	90	9
To the town of Wilbraham, for boardg. nursing & Doctorg. Edward Turner to 30 Augst. 1805 . . . . .	15	
To the town of Walpole, for boarding & Clothing Sally Davis to 1 January 1806 . . . . .	66	80
To the town of Western, for boardg. & Clothing Cato Kinn to 1 Jany. 1806 & John Swaney to 17 April 1805 . . . . .	77	19
To the town of Westport, for boardg & Clothing Eliza Sidnal to 23 January 1806 . . . . .	25	11
To the town of Warren, for Supplies to William Moreman to 4 January 1806 . . . . .	52	
To the town of Wareham, for boarding & Clothing Alexr. Frazier to 14 Feby. 1805 . . . . .	82	10
To the town of Worcester, for Boardg. Clothing, & Doctoring Peter Willard, Phillis Waterman, & Jack Melvin, to 1 Januy. 1806, & Luke Durfee, to the time of his Death, including funeral charges . . . . .	178	26
To the town of Wrentham, for boarding & Clothing Betsy Taylor to the time of her Death, including Doctr. Mann's Bill & funeral Charges . . . . .	73	1
To the town of Williamstown, for boarding & Clothing Stephen Bleu, Rachel Galusha & Morris Fowler to 6 January 1806 . . . . .	138	
To the town of York, for boarding, Clothing & Doctg. Edward Perkins & his Wife, Betsy Perkins, Mrs. Crocker, Jacob Bickum Edward Vouidy & Nicholas Turtle to 8 February 1806 . . . . .	214	36
	23,408	30

*Militia Accounts.**Courts Martial & Courts of Enquiry.*

	Dolls.	Cts.
To William Hammatt for expenses of a court Martial held at Plimouth 13 August 1805 whereof was President Brigr. General Fearing . . . . .	117	22
To Stephen Dewey, for expense of a court of inquiry held 22 July 1805 whereof was president Major Daniel Fowler . . . . .	18	67
To Robert Wheeler for expenses of Court Martial held at Castine August 1805 whereof was President Ichabod Goodwin . . . . .	721	7

	Dolls.	Cts.
To Robert Wheeler for expenses of Court Martial held at Hampden 9 April 1805 whereof was President Coll. Thomas Knowlton . . . . .	140	79
To Zebediah Thayer for expenses of Court Martial held at Wiscasset January 1806 whereof was President Coll. Daniel Waters . . . . .	193	17
To Jacob Fisher for expense of Court of Enquiry held at Lancaster 20 March 1805 whereof was president Asa Whitecomb . . . . .	26	80

*Brigade-Majors and Aid-de-Camps.*

To James Ayers to 1 Jany. 1806 . . . . .	58	
To Henry C. Brown for his services to 1 Jany. 1806 . . . . .	35	40
To Liberty Bannister for his services to 1 Jany. 1806 . . . . .	29	35
To Joseph Blish for his services to 31 Jany. 1806 . . . . .	43	87
To Charles Clement for his services to 25 Feby. 1806 . . . . .	50	
To Stephen Dewey for his services to 1 Jany. 1806 . . . . .	39	50
To Jacob Fisher for his services to 1 Jany. 1806 . . . . .	42	33
To Ichabod Goodwin Junr. for his services to 1 Jany. 1806 . . . . .	22	
To Barzilla Gannett for his services to 10 Jany. 1806 . . . . .	48	42
To N. Hayward for his services to 1 Jany. 1806 . . . . .	39	70
To Josiah Harris for his services to 1 January 1806 . . . . .	69	60
To William Jackson for his services to 1 Jany. 1806 . . . . .	29	55
To William Jefferds for his services to 31 January 1806 . . . . .	61	84
To Samuel Howard for his services to 1 Jany. 1806 . . . . .	107	21
To Sylvester Osborn for his services to 10 Feby. 1806 . . . . .	61	55
To Erastus Smith for his services to 1 January 1806 . . . . .	55	20
To William Sever for his services to 1 Jany. 1806 . . . . .	67	91
To Seth Tinkham for his services to 1 Jany. 1806 . . . . .	63	25
To Samuel M. Thayer for his services to 25 Feby. 1806 . . . . .	65	50
To W. Hammatt for his services to 1 Jany. 1806 . . . . .	25	05
To Sampson Wood for his services to 3 Feby. 1806 . . . . .	36	55
To Robert Wheeler for his services to 1 Jany. 1806 . . . . .	31	25
To Timothy Whiting for his services to 31 Jany. 1806 being for Two years . . . . .	106	35

*Adjutants.*

To William Donnison, Adjutant-Genl. to 1 January 1806 . . . . .	633	33
To Elijah Alford for his services to 1 Jany. 1806 . . . . .	15	82
To Abner Burt for his services to 1 Jany. 1806 . . . . .	13	53
To John Beale for his services to 1 January 1806 . . . . .	29	11
To George Blake for his services to 1 January 1806 . . . . .	24	70
To George Bass for his services to 1 Jany. 1806 . . . . .	110	71
To William Bridge for his services to 3 February 1806 . . . . .	33	60
To Libbeus Bailey for his services to 18 February 1806 . . . . .	30	19
To Nathaniel Cheever for his services to 10 January 1806 . . . . .	26	84
To Joseph Curtis for his services to 1 January 1806 . . . . .	29	13
To Elias Clow for his services to 1 January 1806 . . . . .	20	50
To Samuel Clark for his services to 21 Feby. 1806 . . . . .	23	65
To Paul Dudley for his services to 28 March 1805 . . . . .	4	20
To Isaac Dana for his services to 1 January 1806 . . . . .	19	18
To David Dodge for his services to 25 Feby. 1806 . . . . .	26	38
To William Gould for his services to 1 January 1806 . . . . .	31	8
To Jacob Haskell for his services to 3 December 1805 . . . . .	15	14
To Thomas Hill for his services to 1 January 1806 . . . . .	18	96

	Dolls.	Cts.
To Samuel Harrington for his services to 1 January 1806 .	20	41
To Thomas Heald for his services to 1 January 1806 .	15	46
To Samuel Hayden for his services to 1 Jany. 1806 .	39	80
To Ebenezer Heath for his services to 23 Feby. 1806 .	52	59
To W. Hammatt for his services to 1 January 1806 .	6	25
To Friend Crane for his services to 1 Feby. 1806 .	23	24
To Ephraim A. Judson for his services to 1 Jany. 1806 .	35	75
To Jesse Jewett for his services to 13 Jany. 1806 .	12	79
To Moses Joy for his services to 1 January 1806 .	46	75
To Amoz Jones for his services to 1 January 1806 .	64	
To Benjamin Johnson for his services to 25 Feby. 1806 .	7	99
To Simeon Kingman for his services to 1 January 1806 .	24	95
To Cyrus Keith for his services to 1 January 1806 .	16	77
To Lyman Lewis for his services to 1 January 1806 .	23	73
To John Loring for his services to 1 January 1806 .	28	35
To Benjamin Lincoln for his services to 1 January 1806 .	37	36
To John Lambert for his services to 25 Feby. 1806 .	32	29
To Sylvester Maxwell for his services to 1 January 1806 .	14	59
To Noah D. Mattoon for his services to 1 January 1806 .	23	46
To Abel Merrell for his services to 1 Jany. 1806 .	25	
To Herbert Moors for his services to 1 Jany. 1806 .	39	37
To Eli Northam for his services to 1 Jany. 1806 .	16	51
To Hector Orr for his services to 1 January. 1806 .	23	9
To Jeremiah Obrien Jun. for his services to 1 January 1806 .	20	20
To Isaias Preble for his services to 1 January 1806 .	14	50
To Samuel Pingree for his services to 1 January 1806 .	30	90
To John Prince for his services to 22 Feby. 1806 .	11	75
To George Russell for his services to 15 January 1806 .	31	75
To Seth Rose for his services to 1 January 1806 .	23	
To Thomas B. Strong for his services to 1 January 1806 .	13	13
To Festus Stebbins for his services to 1 January 1806 .	14	83
To Henry Sweating for his services to 1 January 1806 .	12	89
To Joseph Tucker for his services to 8 January 1806 .	16	39
To John Tucker for his services to 10 January 1806 .	7	41
To John Toleman for his services to 28 January 1806 .	24	67
To Ebenezer Thatcher for his services to 1 January 1806 .	43	25
To Nathaniel Whittier for his services to 6 November 1805 .	8	47
To Jonathan White for his services to 7 November 1805 .	18	
To James Wight for his services to 10 January 1806 .	20	99
To Samuel Wade for his services to 20 January 1806 .	18	83
To William Wardwell for his services to 19 November 1805 .	14	27
To Ephraim Woodman for his services to 1 January 1806 .	13	82
To Asa Waters for his services to 1 January 1806 .	26	2
To Jonathan D. Weston for his services to 1 January 1806 .	27	7
To John Williams for his services to 1 January 1806 .	30	
To Quartus Stebbins for his services to 1 January 1806 .	21	43
To Nathaniel Libby for his services to 1 Jany. 1806 .	5	
To Alexander Nickels for his services to 1 Jany. 1806 .	20	

*Expense for Horses to Haul Artillery.*

To John Allen in full to 3 October 1805 .	5
To Moses Burt in full to 1 January 1806 .	2 10
To William S. Blasland in full to 1 Jany. 1806 .	6
To John Carter in full to 1 January 1806 .	7 50
To Henry Dillingham in full to 1 January 1806 .	5
To Levi Fairbanks in full to 17 Septemr. 1805 .	5

	Dolls.	Cts.
To Daniel Hayes in full to 1 January 1806 . . . . .	8	
To David Hartshorn in full to 1 Jan'y. 1806 . . . . .	5	
To Elnathan Judd in full to 28 Jan'y. 1806 . . . . .	3	
To Elisha Livermore in full to 1 Jan'y. 1806 . . . . .	7	50
To Moses Palmer in full to 1 Jan'y. 1806 . . . . .	10	
To James Potter in full to 1 Jan'y. 1806 . . . . .	6	
To John Robinson in full to 1 Jan'y. 1806 . . . . .	6	
To Josiah Stone in full to 1 Jan'y. 1806 . . . . .	5	
To Jonathan Wilson in full to 1 Jan'y. 1806 . . . . .	5	
To Capt. — Wells of 9th d[e]vition to 1 Jan'y. 1806 . . . . .	6	
Total Militia . . . . .	47	77

*Sheriffs' Accounts.*

	Dolls.	Cts.
To John Cooper for returning Votes for Governor & Lieut. Govr. & Senators for 1805 . . . . .	28	64
To David Learned for Returning Votes for 1805 . . . . .	15	20
To John Waite for Returning Votes for 1805 . . . . .	10	40
To Ebenezer Mattoon for Returning Votes for 1805 . . . . .	8	
To George Partridge for Expenses in taking & bringing back, John Chubback & William C. Derries & Sylvanus Calhoun, Escaped from Plimouth Goal . . . . .	79	77
To Benjamin C. Cutler for returning Votes to 25 February . . . . .	7	4
To Joseph Hosmer for returning Votes for 1805 . . . . .	3	33
	152	38

*Printers' Accounts.*

	Dolls.	Cts.
To Francis Gould, for publishing Acts & Resolves to 31 December 1805 . . . . .	16	67
To E. W. Allen for publishing acts & Resolves to 1 August 1805 . . . . .	16	67
To Sewall Goodrich for publishing Acts & Resolves to 1 December 1805 . . . . .	16	67
To Isaiah Thomas Junr. for publishing acts & Resolves to 1 February 1806 . . . . .	33	33
To William Butler for publishing acts & Resolves to 1 January 1806 . . . . .	25	
To Nathaniel Willis Junr. for publishing order of notice respecting the boundary lines of the Counties of Lincoln, Hancock & Washington . . . . .	3	
To Phinehas Allen for publishing Acts & Resolves to 1 January 1806 . . . . .	16	67
To Henry Brewer for publishing Acts & Resolves to 1 Jan- uary 1806 . . . . .	16	67
To Benjamin Russell for publishing Acts & Resolves to 1 January 1806 . . . . .	33	33
To Young & Minns printers to the Government, for Print- ing & finding paper, to 10th March 1806 . . . . .	574	35
	752	36

*Convicts' Accounts.*

	Dolls.	Cts.
To Nathan Heard keeper of the Goal in Worcester for diet- ing & Clothing Eli Page to the time of his removal to the State Prison . . . . .	49	93

	Dolls.	Cts.
To Oliver Hartshorn keeper of the Goal in Boston, for dieting Sundry Convicts to 5 February 1806 . . . . .	997	52
To Doctr. John Fleet for Doctoring Convicts, in Boston Goal to 25 February 1806 . . . . .	30	
To Joseph Barrett keeper of the Goal in Concord for Dieting & Clothg. Sundry Convicts to 18 February 1806 . . . . .	546	88
To Joseph Hunt for Doctoring Convicts in Concord Goal to 31 January 1806 . . . . .	25	2
To John Waite for removing Convicts from the County of Cumberland, to the State Prison in Charlestown . . . . .	140	40
To Ebenr. Mattoon for removing Convicts from County of Hampshire to ye State prison in Charlestown . . . . .	105	
To Zephaniah Leonard for removing Convicts from County of Bristol to State Prison, including Clothing [Clothing] for Said Convicts . . . . .	67	75
To Joseph Hosmer, for removal of Convicts from Concord Goal, to the State Prison, & for advertizing & paying a Reward, for apprehending, John Picket Baneroff, a convict, who had Escaped from Goal . . . . .	44	85
To Jeremiah Allen for Removing Convicts from the Goal in Boston, to ye State Prison . . . . .	63	46
To Phillip Bagley for removing Convicts from ye County of Essex to the State Prison in Charlestown . . . . .	67	12
Total Convicts . . . . .	2137	93

*Miscellaneous Accounts.*

	Dolls.	Cts.
To John Boyle for Stationary for the Secretaries, & adjutant General's Office, to 1 January 1806 . . . . .	125	55
To John C. Jones & William Smith for examining & adjusting the Treasurers Accts. . . . .	70	
To Mess. West & Greanleaf, for Stationary for the Treasurers office to 6 June 1805 . . . . .	24	81
To James Thompson for Sundries, work & materials, for the State House to 7 September 1805 . . . . .	121	68
To Jonathan Hastings for postage of public Letters to 10 Feby. 1806 . . . . .	66	9
To Samuel Gore & Son, for work & materials for State House, to 1 Jan'y. 1806 . . . . .	83	23
To Thomas Popkin for Sundry materials & Work done in Representatives Chamber to February 11 1806 . . . . .	333	14
To John Milliquit, for Stationary for Seeretarys office to 28 February 1805 . . . . .	31	75
To Francis Le Barron Goodwin agent for the Penobscot Tribe of India[n]s, for his Services, to 10 June 1805 . . . . .	60	
To Thomas Spear for his Services in keeping the State Hospital on Rainsford Island, to 14 February 1806 . . . . .	44	44
To Vose & Coates, for Desk, Case, & Chairs &c. for Senate Chamber . . . . .	1049	
To Amoz Lincoln, for Materials & work on the State House to 20 February 1806 . . . . .	174	14
To Henry Blaney, for materials & labour for Repairs on the State House to 3 January 1806 . . . . .	351	71
To Joseph Howe for sundries Repairs for State House to 18 Jan'y. 1806 . . . . .	8	50

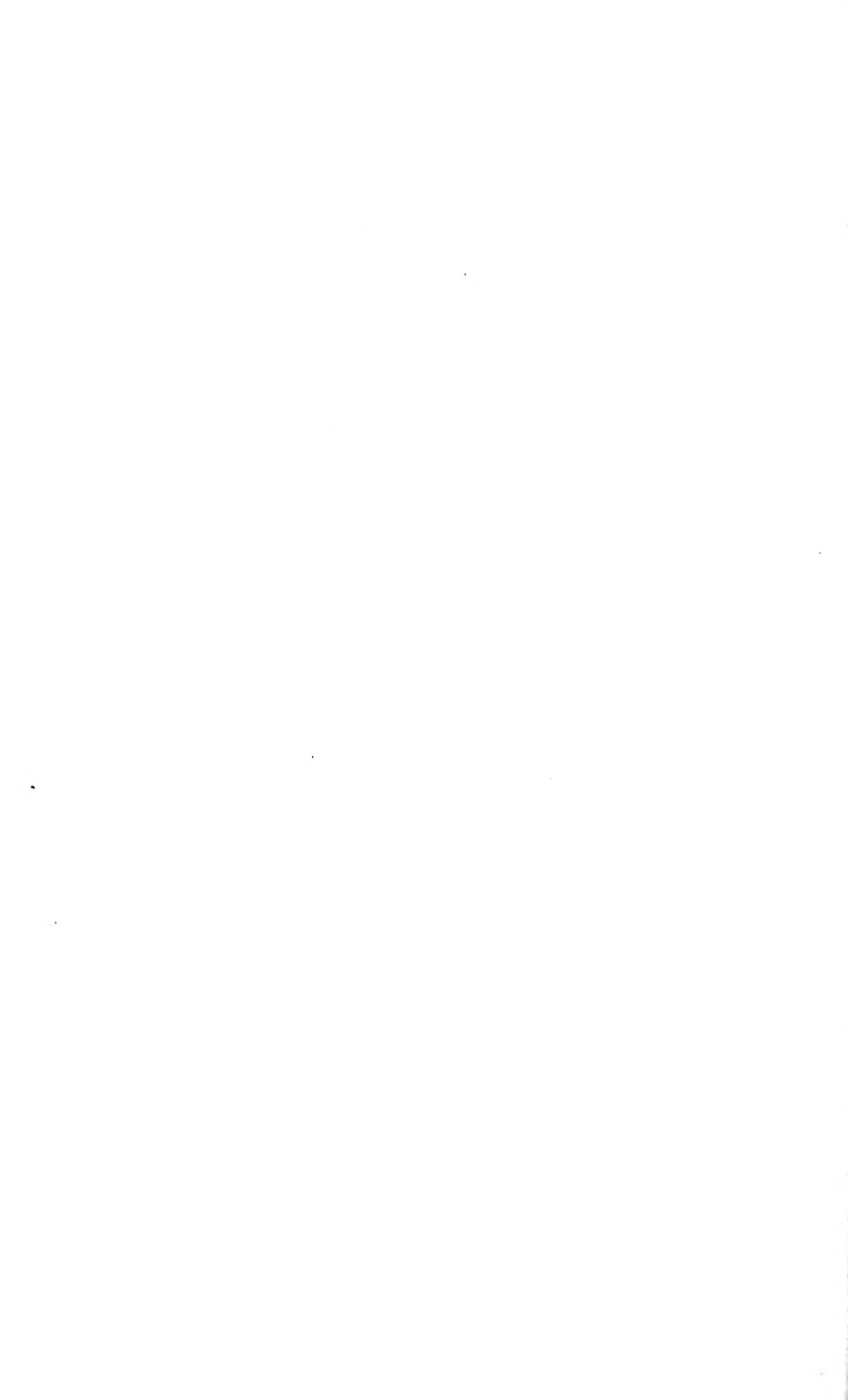
	Dolls. Cts.
To Jeremiah Sprague for Labour & materials, repairs for the State House to 10 February 1806 . . . . .	17 40
To White Burditt & Co. for Stationary for the General Court and Secretary's Office to 24 February 1806 . . . . .	216 61
To Timothy Goodwin for materials for State House Vizt. Locks, Hinges, Screws &c. to 14 February 1806 . . . . .	41 60
To John & Benja. T. Wells for materials & Work on the State House to 24 February 1806 . . . . .	22 66
To Josiah Wheeler, for Sundry materials & work in the Representatives Chamber to 28 January 1806 . . . . .	114 72
To the Honbl. John Davis for preparing for the press, & Superintending the printing, of the private & especial Laws, lately publish'd, & making Index for the same . . . . .	300
To Daniel Cowing, for assisting the Messenger of the Genl. Court the present session . . . . .	106
To Sylvanus Lapham for assisting the Messenger of the Gen. Court the present Session . . . . .	108
	<hr/>
	3471 3

*Aggregate of Roll No. 54.*

	Dolls. Cts.
Expense of State Paupers, . . . . .	23408 30
Do. for Militia, . . . . .	4724 77
Do. Sheriffs, . . . . .	152 38
Do. Printers, . . . . .	752 36
Do. Convicts, . . . . .	2137 93
Do. Miscellaneous, . . . . .	3471 3
	<hr/>
Total . . . . .	34646 77

*Resolved*, that there be allowed and paid out of the Public Treasury, to the several Corporations and persons mentioned in this Roll, the Sums set against such corporations and persons names respectively, amounting in the whole, to thirty four thousand, six hundred & forty six Dollars, & seventy seven cents; the same being in full discharge of the accounts and demands to which they refer.

*March 12, 1806.*





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SPEECHES AND MESSAGES,  
1804-1805.

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# SPEECHES

OF

HIS EXCELLENCY THE GOVERNOR,

AND

MESSAGES TRANSMITTED BY HIS EXCELLENCY TO THE  
GENERAL COURT DURING THE LEGISLATIVE YEARS

**1804-1805.**

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[May Session, 1804.]

TUESDAY, June 5, 1804.

At 12 o'clock the Senators attended in the Representatives' Chamber, when His Excellency the Governor entered, agreeably to assignment, and delivered the following Speech to the two Branches of the Legislature.

*Gentlemen of the Senate, and Gentlemen of the House of Representatives,*

The obligation which we have taken upon ourselves to perform the public duties incumbent on us agreeably to the rules and regulations of the Constitution, requires us, to protect our fellow citizens in the enjoyment of their lives liberty and property; and demands of us an exact observance of the principles of the Constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry & frugality, in the formation and execution of the Laws necessary for the good administration of the Commonwealth.

An impartial distribution of Justice to all the people, is of the highest importance to preserve an equality among them; and enable them to enjoy that liberty, which under the protection of law secures their lives and property;

and to unite them more closely together, and attach them more firmly to the State.

A People enjoy the most perfect civil liberty, when the government under which they are placed is of their own choice ; when they conform to laws which are enacted by themselves or their Representatives ; and when no duties are enjoined, and no restrictions imposed by those laws, which are not conducive to the general happiness.

It is obvious then, that nothing is more opposite to liberty, than licentiousness. Wherever there is liberty, the people are subjects, not of men, but of the Constitution and Laws ; for liberty consists in doing only what these permit. It forbids us to allow ourselves in any pursuits which are injurious to others, for if such permission was given to us, it would also be indulged to them. It implies, that within the limits of law and justice we may act according to our own choice, and take such measures as we believe are conducive to our own happiness. The people therefore are free, so long as they are under the restraint of equal and just laws : But their freedom is lost when the passions of men are unrestrained, and the laws are violated with impunity. The reign of Justice is then over, and there is an end of manners, liberty and virtue. To escape from this state of licentiousness, the people in some Countries, submit to the controul of a single Tyrant, because they think it more tolerable to have one Tyrant than a thousand. In a free State, therefore, the citizens ought to be guarded against the attempts, both of indiscreet men, who from a mistaken zeal for liberty, would introduce anarchy and confusion ; and of ambitious men, who assume the garb of patriotism, and employ their talents to inflame the passions of the people, and excite their contempt of decency and order.

Upon order, the public happiness is founded ; without it, Society is a state of violence ; and to maintain it, is to restrain injustice & oppression ; to guard the life and property of one man, against outrage from another ; to protect the simple and innocent from the attempts of artifice and fraud, and to produce such a state of tranquility, that the most defenceless among the people may be safe, under the protection of Government.

The principle of equality among the citizens, is recognized & established by the Constitution ; it is an equality of rights which ensures the same protection to each indi-

vidual, and requires that all men of every description shall be amenable to justice. It results from equal government and impartial laws, when the way to honor and preferment is open to every one; and the pretensions of no citizen are limited, except by the distinction of merit and capacity. But an equality of property never can exist, untill all men have the same faculties, and are equal in prudence and industry; and even if they were perfectly similar in these respects, still their property would be unequal, unless Providence should smile alike upon the labours of all, and grant to every man an equal share of prosperity. The inequality of property therefore arises from the nature of things, and not from any defect in the form or administration of Government. All that the best Government can do, is to prevent that inequality which fraud, oppression or violence would produce. To encourage frugality, and as far as justice and the Constitution will permit, to restrain luxury and profusion; and to protect the lawful possessions of every man, so that each may enjoy the fruits of his labour in perfect security.

But though a spirit of equality is favourable to public happiness, an extreme degree of it is sometimes injurious and disgraceful. This happens, when manners are exceedingly depraved, when upright magistrates are no longer respected, and parents and public instructors are treated with rudeness and insolence; when the child behaves himself proudly against the ancient, and the base against the honourable, and the natural & necessary distinctions in society are disregarded.

The terms Liberty and Equality, in their true and just import describe essential rights in a Republic, which ought to be assiduously preserved and cherished; but they are so liable to misconstruction, and have been understood in such different senses, that I presume you, Gentlemen, will not think it unworthy of you, to assist our fellow citizens in forming correct opinions concerning them. For if on these points they should entertain mistaken Ideas, they might be in danger of losing substantial benefits by aiming at those which are imaginary.

In some nations, the genius and habits of the people seem not to admit of a free Government, they appear to be incapable of that just and reasonable obedience to the laws which is necessary in a free state. Few indeed have been wise enough to enjoy perfect liberty with moderation.

How far the people of the United States are possessed of this wisdom, must appear from the experiment they are now making, upon the issue of which, every thing valuable to us depends — You, Gentlemen, I have no doubt, will be solicitous to contribute to its success by a faithful discharge of your duty. But all the efforts of legislative wisdom will not be sufficient, without the aid of those Institutions, which form the manners and morals of the people; and which tend to inspire them with veneration for the Supreme Being, with reverence for just authority, and respect for themselves.

I have received a letter from the Justices of the Supreme Judicial Court, representing, that the late act of the Legislature making further provision in the Judicial Department, is highly interesting to them personally, and as it affects their official responsibility. That these considerations have induced on their part, a critical examination of the arrangement of the terms of the Court proposed by the Act, and a consultation together upon the probable effects of the system in other views of it; the result of which is, a conviction that the arrangement is in a great degree impracticable, and that the operation of the system will not, in any degree proportionable to the inconveniences of it, promote the good intentions of the Legislature for the more effectual administration of justice. They have also stated the system which upon consideration they believe most conducive to the security of the citizens; and in order to communicate their ideas with most precision and accuracy, they have transmitted to me two bills which comprize the particulars of that system. The letter and bills will be laid before you by the Secretary; and I presume you will consider the subject with that degree of attention which is due to the importance of it, and to the opinions of the Magistrates by whom the alterations are proposed.

In the course of this year there will be an election of President & Vice President of the United States, and it will be incumbent upon the Legislature at the present session, to direct the manner in which the Electors on the part of this State shall be appointed. — But Gentlemen, it is unnecessary to mention the particular subjects which now require your notice. They will occur to your reflection, and I am persuaded that you will attend to them with the fidelity and zeal, which an enlightened love of your

Country inspires. For myself, I shall be solicitous to deserve the confidence with which the people have repeatedly honoured me, by co-operating with you in such measures as shall tend to render the State respectable, to promote justice among our fellow citizens, and secure to them a life of quiet and tranquility.

CALEB STRONG.

COUNCIL CHAMBER, June 5, 1804.

[May Session, 1804.]

*Gentlemen of the Senate, & Gentlemen of the House of Representatives,*

By a resolve of the 12th of June 1800, the then Treasurer of the Commonwealth was directed to make such alterations and repairs in the Province House as were proper and necessary to be made, for the accomodation and convenience of the Governor to reside in, and fifteen hundred Dollars were appropriated for that purpose. Since the above resolve was passed I have resided in the house, when in town. But if it is thought that the interest of the Commonwealth will be promoted by disposing of it in a different manner, I shall readily acquiesce in such resolution for that purpose, as the Legislature may think proper to adopt.

CALEB STRONG.

COUNCIL CHAMBER, June 6, 1804.

[May Session, 1804.\*]

*Gentlemen of the Senate, & Gentlemen of the House of Representatives,*

I have directed the Secretary to lay before you a report from the Commissioners appointed in pursuance of a resolve of the 21st of June last, to examine and compare the weights & measures which the Treasurer was directed to procure.

By the Constitution of the United States, Congress are empowered to fix the standard of weights and measures: But untill they think proper to exercise that power, it must of necessity remain in the Governments of the several States.

In addition to the circumstances mentioned in the

\* Not printed in previous editions.

report, the Commissioners have suggested to me, that in their opinion it is proper to require, that the several Banks in the Commonwealth shall yearly compare and regulate their weights, by the standard weights in the Treasury. They have also mentioned some other amendments of the Law on this subject, which will probably occur to you from attending to it. If the improvements they recommend shall receive your approbation, you will consider the expediency of passing a law for the sole purpose of regulating Troy weights.

CALEB STRONG.

COUNCIL CHAMBER, June 14, 1804.

[May Session, 1804.]

*Gentlemen of the Senate, & Gentlemen of the House of Representatives,*

A Committee of the Boston Marine Society, have enclosed to me a memorial, stating that the Island called Nicks' Mate in the harbour of Boston, which is of the utmost importance as a land mark to all the coasting vessels entering the port from the northward and eastward, has been undermined by the Sea for years past, so that only a small bank now remains, which will probably be destroyed before the close of another winter, unless measures are adopted for its preservation. With the memorial a number of papers relating to the same subject were inclosed.

The expense necessary to preserve the abovementioned Island will, I presume, be ultimately defrayed by the National Government: But as the object seems to be of importance, and to require immediate notice, permit me to request your attention to it in the course of the present session.

CALEB STRONG.

COUNCIL CHAMBER, June 16, 1804.

[November Session, 1804.]

STATE-HOUSE, Friday, November 16.

The Senators and Representatives convened in the Chamber of the latter, agreeably to assignment, and at 12 o'clock, His Excellency Governor Strong entered, and delivered the following Speech :



*Gentlemen of the Senate, and Gentlemen of the House of Representatives,*

The unfinished Business at your last meeting, I am informed, was referred to the third Session of the Legislature; I presume therefore that your principal object at this time, will be to complete the choice of Electors on the part of this Commonwealth, of a President and Vice President of the United States; and that you will be unwilling at the present Session to attend to any subjects which may conveniently be postponed. If the choice of Electors is not perfected by the votes of the People, I have no doubt that the trust which remains to be executed by you will be discharged faithfully, and that your conduct will be governed by the single motive of love to your Country.

In pursuance of the Act of Congress passed on the 26th of March last, the Secretary of State has notified me, that the Amendment proposed during the last Session of Congress, to the Constitution of the United States, has been ratified by the Legislatures of three fourths of the several States. — The Letter which contains this notification is filed in the office of the Secretary of the Commonwealth, and a transcript of it will be delivered to the Electors who are or may be chosen on the part of this State.

The Quarter Master General informs me, that in the late violent Storm, two buildings on Hospital Island the property of the Commonwealth, were blown down; and that he thinks it highly necessary that others should be erected in their place as soon as may be. The appropriation made for his department for the present year, he supposes will be sufficient to defray the expence; but he doubts the propriety of his setting up new buildings unless authorised by particular direction.

I have nothing further to communicate to you, Gentlemen, which calls for the immediate notice of the Legislature. But if in your opinion, any business of importance would suffer by a delay untill the winter Session, I shall cheerfully attend to whatever you may now propose, and co-operate with you in such measures as the publick good may require.

CALEB STRONG.

NOVEMBER 16, 1804.

[January Session, 1804.]

STATE-HOUSE, Friday, January 18.

The Senators and Representatives convened in the Chamber of the latter, agreeably to assignment, and at 12 o'clock His Excellency Governor Strong entered, and delivered the following speech :

*Gentlemen of the Senate, & Gentlemen of the House of Representatives,*

I meet you with much satisfaction at this time ; as I am persuaded, that from a continuance of harmony in the several branches of Government, the business of it will be conducted with advantage to the public, and with ease and convenience to those who are employed in its administration.

In the course of the session, you will have leisure maturely to consider those subjects which were postponed at the close of your first meeting. Permit me again to recommend to your revision the arrangement of the terms of the Supreme Judicial Court established by the late Act making further provision in the Judicial department ; if that arrangement is found to be impracticable or inconvenient, you will undoubtedly make the necessary amendments.

The Secretary will lay before you the Return of the Militia of the Commonwealth which I have received from the Adjutant General, with a letter from him, stating some local inconveniences which have arisen under the existing militia laws. He will also deliver to you the Quarter Master General's Return of the ordnance and military stores belonging to this State.

The Major Generals of several Divisions of the Militia have informed me, that in the late reviews it appeared, that the Regiments and Corps composing the several Brigades, had improved in all the essential points which constitute a well regulated militia ; that their arms and equipments were in better order than at any former period, and that with few exceptions they had good cloth uniforms ; this latter circumstance being voluntary & not required by law, is peculiarly meritorious.

There can be no necessity, Gentlemen, of recommending to you the advancement, of the various interests of the

Commonwealth; your time will be devoted to this object, in attending to the requests of individuals, and removing any just grounds of complaint; in affording suitable encouragement to every species of useful industry, and in supplying, as far as you are able, whatever is deficient in our present system of legislation. While you thus consider yourselves as deputed to watch over the public interest, while you support the just claims of our fellow citizens, and gratify their reasonable expectations, you will merit, and probably retain their respect. But in whatever manner your services shall be estimated by others, you will have the satisfaction which arises from the consciousness of doing good.

We have associated with our fellow citizens to preserve our rights, by supporting Republican Governments: in doing this we are all equally and deeply interested. When the Constitution of the United States was first proposed, many good men doubted of the fitness or sufficiency of its provisions. But such important benefits have resulted from it, and such confusion and discord would follow from a separation of the States, that probably few, or none of the people are desirous of that event.

The Constitution of this State unites us still more closely for our common safety and happiness. It is founded on the basis of equal liberty, and its value does not appear to be lessened in the estimation of the people, by the experience of more than twenty years; our Country flourishes in peace and wealth, and we may be thought, from these favorable circumstances, to be out of the reach of danger. But when we see other Republicks disgracefully renouncing the fruit of their sufferings & exploits, and tamely submitting to the controul of Masters, we ought at least to reflect on the causes of their fall, and consider of the means by which we may be guarded against a like degradation.

It will, I think, be agreed that knowledge and virtue in the body of the people, are essential to the support of a free Government; without them we should readily submit to any artful usurper. The first settlers of this State, aware of their importance, adopted every expedient in their power to promote them; and so long as we preserve unimpaired the institutions which have been transmitted to us by the wisdom of our ancestors, and retain their purity of manners & the lessons which they inculcated,

we may hope to be exempt from the vicissitudes to which other nations have been exposed.

Religious principles and institutions are necessary to all Governments, and especially to Republicks. The teachers of religion of whatever denomination they are, by their moral instructions, may have much influence in upholding the order of society and regulating the conduct of the people; their offices would therefore be of great importance, even if they had no higher objects in view. But all nations have expressed a reverence for the Deity, and have united in the belief that some mode of worship is necessary to obtain this favor. — Within a few years, indeed, an experiment has been made by the people of France of renouncing religion, but we have now seen the tendency and termination of their system.

To enumerate the institutions established by our Ancestors might be thought superfluous; many of them, and particularly those which related to education, are still maintained, and we every day experience their beneficial effects. May their posterity not only preserve their institutions, but practise their manners and virtues.

It is often said, that most of the Republicks which I have referred to, were conquered by their more powerful neighbours, and that our remote situation from Europe ensures the safety of our Governments. Perhaps these observations are not so correct as we are inclined to believe. Free States are in much greater danger from their own depravity, than from external enemies. The vices, disorders & divisions in former Republicks, have in all cases occasioned their ruin. It will be difficult to find an instance, where a free and civilized people have been conquered, who had not degenerated from that virtue by which their liberty was established. When they are surrounded by other nations, they consider them as watching to take advantage of their folly and weakness; this reflection operates as a constant check upon their disorderly passions. If an invasion is threatened, and any public spirit remains in the people, they lay aside private animosities, and unite for their common defence. In this manner the apprehension of danger from abroad, has in numberless instances prevented contention at home. Our distance from Europe will be a fortunate circumstance if we can be at peace among ourselves; it lessens the probability of foreign invasion, though it may increase the danger from internal feuds.

In the Republicks which I have just mentioned, the people had not sufficient virtue and public spirit to unite their efforts against the common enemy. Their numbers and wealth were as great as when they resisted the most powerful princes; and if they had acted with unanimity and vigour, their defensive attitude might have saved them from an attack. But they were divided and weakened by factions; their false patriots co-operated with their invaders, and their Governments fell, not so much by the arms of a conqueror, as by the weight of their own vices. Such are the effects of violent disorders or implacable discord in all free States; they lead to anarchy and end in despotism. There may be much diversity in the process, but the result is nearly the same; the chief difference is, that small States generally call in a master from abroad, & great nations make a tyrant for themselves.

When political disputes are conducted with moderation and candour, they are innocent, and may be useful. But when parties become eager & vehement; when in the heat of contention they lose sight of the public interest, and endeavour to mislead the citizens by false representations, they corrupt the public morals and tend directly to licentiousness and confusion. In such cases there would be danger that the most unprincipled would be the most successful; they might resort to measures which their opponents might be unwilling to adopt; for honest men would disdain to deceive the people, and would never deviate from right conduct to promote any cause, or produce any change in opinions or measures. But if men of corrupt principles should thus predominate, they might choose rather to submit to a Despot of their own selection, than hazard the loss of their ill acquired influence.

From our situation we have the means of safety, in a peculiar manner in our own power, and it depends upon ourselves, whether as a people we become the most respectable or the most wretched. If we are united in affection, if we retain a frugal course of living, and are animated with zeal for the public good, we shall possess resources fully sufficient for our security, and shall rise to the highest state of public honor and happiness. But if intestine divisions and civil discords prevail, we shall be exposed, not only to foreign insults, but to those revengeful domestic enormities which have been the terror and disgrace of other nations. It is the great duty then of

every citizen, instead of exciting variance & party strife which are the sources of confusion and misery, to promote concord among the people. And it will be the aim of good Government to unite the citizens in the ties of friendship, and make the happiness of the State consist in the harmony of its several parts. Such a Government will be superior to selfish considerations and partial attachments; and will inspire respect by the equity and uniformity of its principles, by a constant adherence to probity and good faith in its measures, and by causing moral rectitude to be had in honor.

You will readily perceive, Gentlemen, that our safety would be endangered by a general relaxation either of the military or the political virtues; a decay of the former would expose us to foreign aggression, and by the decline of the latter we should become an easy prey to the ambitious projects of restless & aspiring men among ourselves. The history of other Republicks will serve to lay open to our view the disguises under which tyranny may be introduced in a free State. In the modern Republicks of Europe, the scenes which were formerly displayed in those of Greece and Rome, have been repeated. Dissension and party spirit were excited among the people, and their passions were artfully inflamed against the most able and virtuous citizens, and against those institutions and restraints which wisdom had devised, and the experience of ages had sanctioned. These Republicks, one after another have lost their freedom, and have been subjected to domestic usurpation, or foreign dominion, by the intrigues of men, who affected the language of patriots while they aspired to the power of masters, and who under the specious pretext of asserting the rights of the people, betrayed and overwhelmed them. Let us take warning from their errors and misfortunes, and may Heaven preserve us from a similar destiny.

CALEB STRONG.

JANUARY 18th, 1805.

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[January Session, 1804.]

*Gentlemen of the Senate, & Gentlemen of the House of Representatives,*

Since your first Session I have received a letter from General Skinner, requesting that he might be discharged from his office in the Militia — his request has been com-

plied with, and there is therefore a vacancy in the office of Major General of the ninth Division.

The Treasurer of the Commonwealth has inclosed to me a State of the Treasury on the first of the present month. I have also received a letter from the Solicitor General, representing that the most wanton and wasteful trespasses are daily committed on the lands of the State in the District of Maine, and that the public interest requires, that immediate measures should be adopted for the preservation of the valuable timber on several townships belonging to the Commonwealth.

The above letter, with the Treasurer's communication, will be laid before you by the Secretary.

CALEB STRONG.

COUNCIL CHAMBER, January 22, 1805.

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[January Session, 1804.]

*Gentlemen of the Senate, & Gentlemen of the House of Representatives,*

I have received Letters from the Governors of Virginia Ohio and Kentucky enclosing Copies of Resolves passed by the Legislatures of those States relative to the amendment proposed on the part of this State at your first Session to the Constitution of the United States.

The Governor of Kentucky has also requested me to communicate to you a Resolution of the Legislature of that State proposing an amendment to the national Constitution by which the Judicial power of the Courts of the United States shall be confined so as to exclude from their Jurisdiction controversies between a State & citizens of another State; between Citizens of different States, between Citizens of the same State claiming lands under grants of different States, and between a State or the Citizens thereof and foreign States Citizens or Subjects. The abovementioned Letters and Resolutions will be laid before you by the Secretary.

CALEB STRONG.

COUNCIL CHAMBER, February 13, 1805.

[January Session, 1804.]

*Gentlemen of the Senate, & Gentlemen of the House of Representatives,*

I have directed the Secretary to lay before you a representation from the President & Trustees of Bowdoin College to the Governor and Council, together with divers other papers respecting an interruption of the Surveyors employed by the Corporation of that College, in their attempts to survey the College lands which are situated in the towns of Bowdoin and Lisbon. He will also deliver to you a copy of the advice of Council, on the subject of those papers.

CALEB STRONG.

COUNCIL CHAMBER, March 1, 1805.

[January Session, 1804.]

*Gentlemen of the Senate & Gentlemen of the House of Representatives,*

A Resolve which passed the Senate yesterday granting seven years half pay to the Widow and Children of Wadleigh Noyes a Lieutenant who died in the publick service in October 1777 has been laid before me, and I am under the necessity of returning the same to the House of Representatives where it originated with my objections to it.

By a Resolution of Congress of May 15th, 1778 seven years half pay was granted to those Officers of the Army who should continue therein during the War, and by a subsequent Resolve the above Resolution was extended to the Widows of those Officers who had died or should thereafter die in the service, and by the same Resolve it was recommended to the Legislatures of the respective States to which such Officers belonged, to make provision for paying the same on account of the United States — While the above recommendation remained in force, some of the States, and this in particular, complied with it and made provision accordingly; but others wholly neglected it — When the accounts between the United States and the Individual States were closed, and probably before that Time, this recommendation ceased to be in force, and the outstanding Claims were afterwards exhibited against the United States untill barred by an Act of Limitation.

From the length of Time which has elapsed since the



Claim in this case originated there is a strong presumption that it has been settled, but if there is evidence to the contrary of this, which does not appear in the papers, still I think it my duty to object to the Resolve for the following Reasons —

1st. Because the Sum proposed to be granted was never due from this State. It was a debt of the United States, and though by reason of the then inability of Congress, they recommended to the State Legislatures to make provision for payment, on account of the United States, that recommendation has long since been withdrawn.

2d. Because, if the Petitioners within a reasonable time after the above recommendation, had applied to the Government of this State, they would have received the half pay for seven years, and the State by charging the same to the United States would have obtained the whole amount in the final settlement of accounts between the United States & this Commonwealth.

3d. Because if we now pay the sum mentioned in this Resolve, we must lose it, as we have no account with the United States, & no authority to pay their debts.

4. Because there is a great number of Claims against the United States, now in possession of the Citizens of this State, for meritorious services or sufferings in the course of the late War, which are barred by the Acts of limitation; and if this Government undertakes to satisfy a part of those claims, in order to be consistent, they may find it necessary to satisfy the whole.

5. Because it has been generally understood and believed that the United States gave a reasonable time to their Creditors to exhibit their Claims. But if the time had not been sufficient this State would be under no obligations to rectify the error.

6. Because, even if the Sum is still due from the United States, the Creditors of this Commonwealth would have just reason to complain, if we should pay a Debt of the United States before we have paid our own.

7. Because the allowance of such ancient claims might occasion numerous impositions, and prove more advantageous to Speculators than to the original Claimants.

8. Because an application was made to the Legislature of this State on behalf of the Petitioners, for the same gratuity, more than fifteen years ago, when it is probable the subject was better understood than at present, and the prayer of their Petition was then refused.

9th. Because the application in this Case being to the Charity of the Commonwealth, a compliance with the request might prove extremely troublesome to the Members of future Legislatures & expensive to their Constituents, as it might give countenance to an opinion that though the subject of a petition had been perfectly understood by one Legislature and the prayer of it refused, yet the Petitioner by persevering importunity might be able in a course of years to obtain the object of his wishes.

CALEB STRONG.

MARCH 8th, 1805.

# SPEECHES AND MESSAGES,

## 1805.

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[May Session, 1805.]

*Gentlemen of the Senate, & Gentlemen of the House of Representatives,*

The Secretary will deliver to you a letter which I have received from Samuel Brown Esqr. Navy Agent, representing that five hundred mortar Shells of thirteen inches diameter, are wanted for the use of two Bomb Ketches equipping here to be employed in the service of the United States in the Mediterranean — that a timely supply from the Arsenal of the United States cannot be relied on ; & requesting a loan from the Arsenal of this Commonwealth of that number of Shells, and engaging that the same shall be replaced as soon as possible.

CALEB STRONG.

COUNCIL CHAMBER, May 31st, 1805.

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[May Session, 1805.]

FRIDAY, June 7, 1805.

At 12 o'clock the Senators attended in the Representatives' Chamber, when His Excellency the Governor entered, agreeably to assignment, and delivered the following Speech to the two Branches of the Legislature.

*Gentlemen of the Senate, and Gentlemen of the House of Representatives,*

I Embrace with pleasure the opportunity of congratulating you on the return of the anniversary established by our Constitution, and the proof which your fellow Citizens have given you of their Confidence. Accept the assurances of my regard with sentiments correspondent to those by which they are dictated.

Our obligations to the publick are expressed in the oaths we have taken to support the Constitution of the United

States, and to defend this Commonwealth and faithfully and impartially to perform the duties of our respective Offices. It is incumbent on us therefore, on all occasions, to support the Constitutional measures of the General Government; in this our interest and duty coincide; for if that Government is not well established; if it has not energy sufficient to suppress insurrections at home and resist invasion from abroad, our security will be lost in perpetual revolutions, and we shall be at the mercy of every lawless invader.

But as the National Constitution defines and guarantees the rights, as well of the States as of the Citizens, it is the duty of the State Governments to watch over those rights, and if they should be infringed, to make such representations as would tend to procure redress; thus it is probable a remedy may be obtain'd for any evils of this kind to which a State or part of its citizens may be exposed, in a manner perfectly consistant with publick order and tranquillity. A disposition to censure and criminate the measures of Government is extremely prejudicial; if they are good in themselves we ought not to ascribe them to improper motives, and if doubtfull, candour should incline us to view them in the most favorable light. But it was not the design of the Constitution that the Legislatures of the several States should become blindly subservient to the will of the general Government; this would be to lose the whole benefit of the federative principle, and would subject us to all the mischiefs of a complete consolidation of the States; indeed such a construction might soon destroy the most essential articles of the Constitution, for if an aspiring man should gain a controuling influence in the National Legislature and should find that some parts of that instrument obstructed his views, he would propose and be sure to effect such alterations as he should term necessary.

The system of National Government appears to be well calculated to preserve itself & perpetuate the rights of the People. The arrangement and independence of the Legislative, judicial and executive powers, form the best security that could be devised against the ineroachments of either; and as long as the Constitution is unimpaired, and the legislative body is actuated by a spirit of integrity and moderation; as long as it shall leave to the Executive and Judicial departments the authority vested in them re-

spectively by the Constitution, and shall patiently acquiesce in the exercise of that authority ; so long we may hope that the National Government & the rights of the Citizens will be preserved.

But the experience of other Nations will convince us, that whenever the Legislature assumes to itself the other powers of Government, liberty is subverted. This assumption can be more easily effected by that Body, if unrestrained by principle, than by either of the other branches. The Legislative is the supreme power ; the members are from every part of the territory ; their number and influence will enable them, on frequent occasions, to excite popular envy and resentment against the Executive and Judicial powers ; almost every man from a connection with some member of the Legislature, feels a peculiar interest in that branch of Government and a strong prejudice in its favor. But instead of being influenced by these prepossessions, we ought to reflect, that in free States a change in the frame of Government is attended with hazard, and that our only safety consists in a firm and inflexible adherence to the principles of the Constitution.

The Declaration of Rights in this State prohibits an interference of the several départements ; it provides that neither of them shall ever exercise the powers of the other. And here too an efficient authority is requisite for the protection and safety of the People ; for if the State Government has not strength enough to restrain injustice and violence or to punish offenders, our liberty will degenerate to licentiousness, and we shall fall into a state of anarchy not less debasing than a settled and absolute despotism.

In civil causes, the Sheriff or Constable is supposed to be authorised, by writs of attachment or Execution, to take the goods of the Debtor without any exception. The humanity of creditors has for the most part prevented an undue use of this authority, in collecting their demands from their indigent Debtors ; but I am informed by a Number of respectable persons, that instances have frequently occurred, in which Officers with unfeeling severity have taken the most necessary articles of apparel and furniture, and exposed the Debtor and his family to immediate suffering — If such cases have happened within your knowledge, you will probably think it reasonable to

exempt from seizure certain Articles which are necessary for upholding life.

Commissioners have, on several occasions, been appointed, at the request of the Legislature and with the consent of the parties interested, for the purpose of quieting settlers on lands in the Eastern parts of the State ; in most of the cases to which their commissions referred they have been able to effect an amicable agreement ; but divers disputes of this kind still remain unsettled. The tranquillity of that part of the Commonwealth and the happiness of many individuals would be greatly promoted by a speedy accommodation of those disputes ; and I shall be happy to concur with you, Gentlemen, in any measures, consistent with the rights of the parties, which shall be calculated to effect this desirable object.

The operations of banking, while under suitable restraints, may undoubtedly be useful to the State, by rendering its Capital more active than it would be otherwise. Petitions, have for several years been presented, at almost every Session of the Legislature, for the incorporation of Banks. If such applications are repeated, it will be a question of importance, whether an addition to the present number would be a publick benefit. Many of the bills of other State banks, with whose circumstances and management we are wholly unacquainted, circulate here ; and the capital Stock of the Branch Bank is seven hundred thousand dollars. We have besides in this State twenty one banks, which are allowed by law to issue thirteen million dollars ; by their last returns it appears, that the whole of the debts due to them did not amount to eight millions. If the existing banks are authorised to loan a greater sum than the circulation can employ, the aggregate profits of banking would not be increased, nor would any additional assistance be given to trade should a number of other banks be instituted : they might indeed emit an additional quantity of paper ; but the surplus would soon be returned to the several banks, and exchanged for gold and Silver to be exported. New banks would not increase the quantity of Specie, they would only cause a subdivision of it ; and if they should be induced, from the desire of gain, or a disposition to afford extraordinary accommodations, to discount too liberally, the banks themselves would be endangered, and the directors might be compelled to diminish their discounts so as to occasion very serious and extensive commercial embarrassments.

It has been said heretofore, that the bank dividends were higher than the legal rate of interest, and therefore, unless petitioners were indulged with new incorporations, the law which forbids usury should be repealed. A measure of this kind might be more injurious than any proposed addition to the number of banks. If money was borrowed only on a calculation of profit from commercial enterprizes, the borrower might be safely trusted to make his bargain with the lender; but a great part of the loans in the Country are to persons embarrassed from misfortune or indiscretion; by a repeal of the law against usury they would be left to the mercy of their Creditors, and avarice would prey without controul upon ignorance and distress.

I have received a letter from the Governor of Pennsylvania inclosing a copy of a Resolution of the Senate and House of Representatives of that Commonwealth, approving an amendment to the Constitution which was recommended by the State of Kentucky and by which it is proposed to exclude from the Judicial power of the United States — controversies, between Citizens of different States — between Citizens of the same State claiming lands under grants from different States — and between Citizens of a State and Citizens or subjects of a foreign State.

Together with those papers the Secretary will deliver to you a Letter from the Major General of the third Division requesting that he might be discharged from his Office in the Militia — his request has been granted.

In the present state of political disagreement, you can hardly expect, by the most upright and impartial discharge of your duty, to escape censure. But whatever reflections may be circulated upon the measures of Gover[n]ment or the conduct of its members, I hope and trust they will have no effect to weaken your attachment to the publick good, or abate your zeal to promote the publick interest. In many cases you may be compelled from a sense of duty to disappoint the wishes of your friends, and in some, perhaps, to expose yourselves to the temporary displeasure of a respectable part of the community. But if the measures you adopt are just and useful, they will at length appear to be so; and you will then receive the best compensation for publick service, the testimony of your fellow Citizens to your merit and virtue.

CALEB STRONG.

JUNE 7, 1805.

[May Session, 1805.]

*Gentlemen of the Senate, and Gentlemen of the House of Representatives,*

I have directed the Secretary to deliver to each branch of the General Court a Copy of the Legislative Journals of the Senate & the House of Representatives of the United States at their last Session, with Letters addressed to the President of the Senate, and the Speaker of the House which were inclosed to me.

He will also lay before you a Letter from the Governor of Connecticut inclosing a Resolution of the Legislature of that State in which they express their opinion that it will be inexpedient to attempt to obtain the Amendment to the Constitution which was proposed by the State of North Carolina and approved by the Legislature of this State relative to the importation of Slaves — And a Letter from the Governor of Maryland inclosing a Resolve of the Legislature of that State, that in their opinion the amendment to the Constitution which was proposed by this Commonwealth ought not to be adopted.

CALEB STRONG.

COUNCIL CHAMBER, JUNE 8, 1805.

[January Session, 1805.]

STATE-HOUSE, Friday, January 17.

At 12 o'clock, the Senators attended in the Representatives' Chamber, agreeably to assignment, when His Excellency the Governor entered, attended by His Hon. the Lieut. Governor, the Hon. Council, the Secretary of the Commonwealth, and the Sheriff of Suffolk; after a short pause, his Excellency delivered the following Speech.

*Gentlemen of the Senate, and Gentlemen of the House of Representatives,*

We have the pleasure to meet again in circumstances of public prosperity. The productions of the last year have been fully sufficient to supply the wants of the People, although at one season the prospect was unfavourable; and they have been exempt from the fatal sickness with which some principal Towns in other States have been visited. We are therefore bound to acknowledge the kind inter-



positions of Providence in our behalf. At the same time it becomes us, to make use of the most effectual precautions that can be devised, to guard our fellow citizens against the return of that desolating disease.

The President's late message to Congress announces, that a treaty has been concluded with Tripoli, in which the ransom of our Countrymen was agreed to, and to wch. the successful enterprizes conducted by one of our fellow citizens undoubtedly contributed. But we are in like manner informed, that the injuries we have received from some of the nations of Europe may lead to the employment of force, and that preparatory measures for that purpose are expedient. This subject calls for our attention so far as it shall be necessary to complete the order and discipline of the militia. You will find by the Adjutant-General's return, that every part of the Commonwealth is in a state of military organization, except Nantucket and the Elizabeth Islands; and that the number of our Militia, so organized, is nearly Sixty seven thousand — the greater part of whom are armed and equipped agreeably to law.

Since your former Session, the Agents for building the State Prison have completed that service; and in compliance with the Act passed on the 15th of last June, the Officers of the Institution have been appointed; and regulations have been made for the government of the Convicts; a Copy of them will be laid before you. Warrants have also been directed to the Sheriffs of the Counties, where Criminals who had been sentenced to hard labour, were imprisoned; requiring them to remove such Convicts to the State Prison, and thirty four have been removed accordingly. You will perceive the necessity of attending to this subject during the present Session, as the Act expires on the first day of June, and the General Court of the next year will not be able to make the necessary arrangements concerning it before that time.

The Constitution makes it the duty of the Legislature, frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws as the common good may require. These several objects I have no doubt, will receive your attention. If any of the existing laws are found to be oppressive or injurious in their effects, they will be altered or repealed; if any fail to answer the intended purpose, you will correct and amend them; and if useful regulations

are not observed, or the design of the Legislature which established them is eluded, you will adopt such measures as shall tend to give them strength and efficacy; and you will also enact such additional laws, as the general interest of the State, or the accommodation of particular corporate bodies or individuals may require.

It is possible, however, that in a Government like ours, where the Acts and Resolves of the Legislature are sometimes passed with great facility and expedition, the Laws may be too numerous and be extended to cases too minute and particular. The unnecessary interference of Government with the private concerns of the people, will always be a source of mischief; their understanding is competent to the direction of their own affairs; and when left to itself will generally lead them to measures the most beneficial, both to themselves and the publick.

Frequent alterations of the Law are likewise attended with inconvenience, as they sometimes produce effects which were not foreseen, and occasion greater evils than they were designed to remedy. They tend to weaken the Government by deminishing the Confidence of the people in the stability of its Councils; for uniform measures alone can preserve its reputation, or procure durable advantages to the State. It is of importance too, that the Laws should be understood by the citizens; but if they are often changed, they will not be understood, nor indeed will their real tendency be always known; the most judicious plans of improvement may require a number of years to produce their beneficial effects, and the want of consistancy in the measures of Government would defeat the purposes which they are intended to accomplish. It would therefore be unwise to substitute new and opposite systems, until experience has proved, that those which are already in use are manifestly inconvenient.

But changes in the Constitution of Government, are more injurious than in the system of Laws; even a small innovation may destroy its principles. The framers of the National Constitution had before them, not only the forms which had been preferred by the several States, but those also which before that time had been devised in other ages and nations; and though the repeated experiments which have since taken place in Europe, may suggest matter for warning, they afford nothing for imitation. If, notwithstanding it is found by experience, that the

Constitution operates very unequally, or the construction of any part is doubtful, amendments may be necessary to alter or explain it. But it is in vain to expect that all will be satisfied. Free Governments admit of an endless variety of modifications, and the opinions entertained of their respective merits are equally various. When the Constitution was established, perhaps no man that became subject to it, was perfectly pleased with every part. It was the result of mutual concession, and such indeed must always be the case, when a form of Government is voluntarily accepted by a Community.

Almost every Nation at some period of their existence, have enjoyed the privileges of a free State; but how few have preserved them—they have been lost by the inconstancy of the Citizens, or forfeited by their vices. In many Republicks, repeated variations in the modes of Government have taken place, as different parties happened to predominate, until the people became weary of changes, and preferred the quiet of absolute power, to the tumults of perpetual revolution. In the minds of some men, there seems to be a restlessness, which renders them dissatisfied with any uniform course of things, and makes them eager in the pursuit of novelty; they abound in projects, and are ever meditating some fanciful change in the plan of Government, which their imaginations represent as useful. But men of great ambition are still more dangerous; they commonly make the fairest pretences to principle, though they are actuated only by self interest. If the Constitution or Laws of their Country present obstacles to the accomplishment of their wishes, they employ every artifice to alter or abolish them; and if individuals oppose their attempts, they are equally artful and solicitous to destroy their influence, & render them odious to their fellow-Citizens.

Few men, even in a prosperous community, are fully satisfied with their condition; a great part are easily induced to believe that there is something wrong in the Government or Laws, which might be rectified to their advantage; they therefore readily embrace any specious proposal to effect an alteration. The crafty & ambitious know how to avail themselves of this disposition to change; and encourage their followers to expect, that the amendments they propose, will perfectly suit their case, and produce the very blessings they wish; in this way, they not

only effect their immediate object, but acquire an influence, which enables them afterwards to accomplish the most destructive innovations. Such persons encourage hopes that can never be realized, and excite complaints, which the most wise & benevolent administration is unable to remove.

Indeed, we are generally apt, to ascribe too much to the efficacy of Laws and Government, as if they alone would secure the happiness of the people; but no Laws will be sufficient to counteract the influence of manners which are corrupted by vice and voluptuousness; and it is beyond the power of any Government, to render the circumstances of the citizens easy and prosperous, if they want the habits of industry and frugality. Government is necessary to preserve the public peace, and protect the persons and property of individuals; but our social happiness must chiefly depend upon other causes; upon simplicity and purity of manners; upon the education that we give our children; upon a steady adherence to the customs and institutions of our Ancestors; upon the general diffusion of knowledge, and the prevalence of piety and benevolent affections among the People.

Our forms of Government, are doubtless, like all other human Institutions, imperfect; but they will insure the blessings of freedom to the Citizens, and preserve their tranquility, as long as they are virtuous; and no Constitution that has been, or can be formed, will secure those blessings to a depraved and vicious People.

The unanimity which appeared in both branches of the Legislature, when a proposed amendment to the National Constitution was disapproved by you at the last Session, may seem to render these remarks superfluous. But as the Constitution of this State does not require, that such amendments shall be laid before the Executive for approbation; and as other questions of this kind are likely to arise; I trust there is no impropriety in suggesting these reflections, or in adding my testimony in favor of the principles you adopted, in the instance to which I refer.

You Gentlemen, I presume, will do all in your power to preserve and perpetuate the advantages enjoyed by our fellow citizens; by supporting the good order of society, and increasing the influence of virtuous manners; and by cherishing Schools and Seminaries of learning, where our youth may be instructed in the rights and benefits of equal

Government, and strengthened in their abilities to assert and preserve them. As the University of Harvard College is placed by the Constitution under the peculiar patronage of Government; and it is made the special duty of the Legislatures and Magistrates of the State, at all times, to cherish it, you will, in a particular manner be disposed to afford that Institution such encouragement & support, as its circumstances may render necessary.

The spirit of candor and of mutual deference, which were manifested in both Houses at your former Session, afford the best assurance that your views will continue to be directed to the common good. If from the state of the public mind, there is danger of the impulse of party spirit, you will be convinced that every unnecessary dispute, which would have a tendency to inflame that passion, should be avoided; and I hope and trust, that such proofs of justice and impartiality will appear in all your measures, as the most dissatisfied will be forced to respect.

CALEB STRONG.

JANUARY 17th, 1806.

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[January Session, 1805.]

*Gentlemen of the Senate, and Gentlemen of the House of Representatives,*

I have received from the Treasurer of the Commonwealth an Account exhibiting the state of the Treasury on the first of this month, and from the Quarter Master General a Return of the Ordnance and Military Stores of the State; these will be laid before you by the Secretary—I have also received from the Office of the Secretary of State Nine hundred & sixty nine copies of the laws of the 2d session 8th Congress of the United States—they are deposited in the Office of the Secretary of the Commonwealth to be disposed of, as the Legislature shall direct.

CALEB STRONG.

COUNCIL CHAMBER, January 17, 1806.



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